

Topic: Cannabis Regulations - Land Use Bylaw amendment

### Introduction

The following report provides supplemental information relating to Industrial Hemp cultivation in Parkland County and how it relates to proposed Bylaw 2019-01 – Cannabis Regulations. The original Administrative Report, presented as part of the March 12, 2019 Council Meeting, can be found in **Attachment 11: Administrative Report – March 12<sup>th</sup> (PREVIOUSLY CIRCULATED)**.

### Facts (Background Information):

On March 12, 2019, Parkland County Council gave First Reading to Bylaw 2019-01 – Cannabis Regulations. Proposed Bylaw 2019-01 is a Land Use Bylaw amendment intended to provide residents and business owners a range of development opportunities pertaining to cannabis cultivation, processing, and retail sales within Parkland County. This amendment includes new definitions and specific use regulations associated with cannabis cultivation, processing and retail sales.

At the March 12, 2019, Council Meeting, questions arose as to how Industrial Hemp cultivation may, or may not, be impacted by the proposed regulations for cannabis. In order to clarify the relationship between Industrial Hemp and cannabis cultivation, Administration is proposing minor amendments to the definitions previously presented to Council.

### Analysis

#### Industrial Hemp

- The *Industrial Hemp Regulations*, enabled by the *Cannabis Act*, establish the specific licensing regulations for Industrial Hemp.
- These Regulations define Industrial Hemp as “a cannabis plant — or any part of that plant — in which the concentration of THC is 0.3% w/w or less in the flowering heads and leaves.”
- There is a separate licensing process, distinct from Industrial Hemp licensing, that governs cannabis cultivation and processing.
- Municipalities are not required to establish specific land use regulations for the cultivation, production or sale of Industrial Hemp, as they are for cannabis.
- In Parkland County, Industrial Hemp falls under the Use Class EXTENSIVE AGRICULTURE DEVELOPMENT, a class that does not require a Development Permit.
- In Parkland County, Industrial Hemp can be farmed under the Use Class EXTENSIVE AGRICULTURE DEVELOPMENT, following the issuance of an Industrial Hemp License by the Ministry of Health.
- The existing Land Use Bylaw 2017-18 distinguishes hemp from cannabis in the definition of the term Cannabis which states: “CANNABIS means all or part of a plant from the *Cannabis genus*, including any products that contains any part thereof. This does not include hemp.”

- Municipalities are within their authority to structure the land use regulations for Industrial Hemp in such a way as to make this use clearly distinct from cannabis cultivation, processing, and retail sales.
- Parkland County may choose to amend the proposed cannabis use class definitions to clearly state that they do not include Industrial Hemp, therefore, clearly articulating the two distinct uses.

**Proposed Amendments to Bylaw 2019-01**

- Following comments received at the March 12, 2019, Council Meeting, Administration is recommending amendments to proposed Bylaw 2019-01.
- The proposed amendments are identified in **Attachment 6 – Table of Proposed Amendments**.
- A number of proposed amendments were identified by Administration to clarify the relationship between Bylaw 2019-01 and Industrial Hemp cultivation.
- Additionally, minor amendments have been proposed to clarify different land use definitions, which previously exempted “Cannabis Production Facilities”.
- Finally, minor amendments have been included to clarify the districts in which Cannabis Cultivation, Minor, and Cannabis Processing, Minor, is listed as an approved use.

**Alignment with other Statutory Plans and documents:**

Bylaw 2019-01 has been written to align with key municipal statutory plans and documents including:

**Parkland County Long Term Strategic Plan**

The amendment aligns with the following strategic pillars from the Long Term Strategic Plan:

- Complete Communities
- Strategic Economic Diversification

**Municipal Development Plan Bylaw 2017-14**

The amendment aligns with key MDP objectives in the following areas:

- MDP Section 4.0 Agriculture
- MDP Section 5.0 Economic Competitiveness and Employment

**Alternatives:**

1. Council may choose to defeat Bylaw 2019-01 at Second Reading.

**Recommendation:**

Administration supports the proposed bylaw and recommends that upon closure of the Public Hearing, Council give Second and Third Reading to Bylaw 2019-01, as presented.

**Attachments:**

- Attachment 1: Public Hearing Chairs Notes**
- Attachment 2: Bylaw 2019-01 – First Reading March 12/19**
- Attachment 3: List of Speakers**

**Attachment 4: Written Submissions**  
**Attachment 5: Administrative Report**  
**Attachment 6: Table of Proposed Amendments**  
**Attachment 7: Bylaw 2019-01 – April 9<sup>th</sup> Proposed Amendments – REDLINED**  
**Attachment 8: Bylaw 2019-01 – April 9<sup>th</sup> Final with Amendments**  
**Attachment 9: Land Use Bylaw 2017-18 (Redlined with April 9<sup>th</sup> Amendments)**  
**Attachment 10: Public Hearing Presentation**  
**Attachment 11: Administrative Report March 12/19 – PREVIOUSLY CIRCULATED**  
**Attachment 12: Land Use Bylaw 2017-18 – Redlined – PREVIOUSLY CIRCULATED**  
**Attachment 13: Background Research Report (PREVIOUSLY CIRCULATED)**  
**Attachment 14: What We Heard Report (PREVIOUSLY CIRCULATED)**

**AUTHOR: Rachelle Trovato**

**Department: Planning and Development**

**Date written: March 27, 2019**