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## **BYLAW 2019-01 CANNABIS REGULATIONS**

PUBLIC HEARING - APRIL 9, 2019

# CANNABIS LEGALIZATION

Activity	Federal	Provincial	Municipal
Possession Limits	✓		
Trafficking	✓		
Advertisement & Packaging	✓		
Impaired Driving	✓	✓	
Medical Cannabis	✓		
Seed-to-sale Tracking	✓		
Production (cultivation/processing)	✓		
Age Limit (federal minimum)	✓		
Public Health	✓	✓	
Education	✓	✓	✓
Taxation	✓	✓	✓
Home Cultivation	✓		
Workplace Safety		✓	
Distribution & Wholesaling		✓	
Retail Model		✓	
Retail Location and Rules		✓	✓
Regulatory Compliance	✓	✓	
Public Consumption		✓	✓
Land Use/Zoning			✓

Figure 1. Summary of Government Roles and Responsibilities

- **Federal Cannabis Act**

- Regulates legal access to cannabis and its production, distribution and sale

- **Alberta Gaming and Liquor Statutes Amendment Act**

- Regulates Alberta's cannabis market related to sales, consumption and advertising

- **Parkland County's Role**

- Responsible for land use and zoning regulations related to cannabis production and distribution

# CANNABIS RELATED INDUSTRY

## Current Land Use Bylaw Regulations

- Does not allow for Cannabis Cultivation or Processing in Industrial Areas
- Cannabis Retail Sales is not an approved use in Parkland County
- Does not allow for opportunities relating to micro-cultivation (small scale cannabis cultivation)

# CANNABIS CULTIVATION - LICENSING

- **Standard Cultivation License**

- This license is for growing cannabis on a large scale.
- A license holder can obtain dried or fresh cannabis, cannabis plants or cannabis seeds by propagating, cultivating or harvesting.
- They may test their product and sell to other licensed producers or license holders authorized to sell cannabis under relevant provincial regulations.

- **Micro-Cultivation License**

- This license is for growing cannabis on a small scale.
- The same activities apply to micro-cultivation as standard cultivation, however, micro-cultivation is limited in total grow area.
- A micro-cultivation license is only permitted to have a total plant grow area of 200m<sup>2</sup>.
- This includes multiple surfaces, such as vertical cultivation.

# CANNABIS PROCESSING - LICENSING

- Standard Processing License

- This license is for processing cannabis on a large scale by other means than propagating, cultivating or harvesting.
- This includes those who want to manufacture and sell cannabis products, including cannabis oils (liquid or gels).
- License holders may sell to other license holders authorized to sell cannabis under relevant provincial regulations.

- Micro-Processing License

- This license is for processing cannabis on a small scale.
- This includes those who want to manufacture and sell cannabis products, including cannabis oils (liquid or gels).
- The same activities apply to micro-processing as standard processing, however, micro-processing license holders cannot obtain cannabis through synthesis and are limited to processing a maximum of 600.0 kg of dried cannabis (or equivalent) in one (1) calendar year.

# INDUSTRIAL HEMP

- **Definition**

- 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

- **Industrial Hemp Regulations**

- Enabled by the Cannabis Act
  - Act and Regulations provide the framework to regulate Industrial Hemp

- **Industrial Hemp License**

- Separate licensing process from Cannabis cultivation, production, and retail
  - Municipality is not required to establish specific Land Use regulation for Industrial Hemp

# PUBLIC ENGAGEMENT

- Required under Engagement Policy C-AD51
- Open Houses
  - Parkland County Centre; February 6, 2019; 6PM–8PM– **9 Attendees**
  - Entwistle Community Hall; February 7, 2019; 5PM-7PM– **13 Attendees**
- What We Heard
  - Summary of engagement is found in What We Heard Report
  - Comments included:
    - Majority of attendees supported Cannabis Cultivation, Minor, in Country Residential district; several stated size and nuisance elements need monitoring.
    - Attendees felt that setbacks from multi-parcel subdivisions were warranted; some felt 150m was too much.
    - Majority support for Cannabis Cultivation in Agricultural areas; some pointed out it should not be allowed because it doesn't use the land.
    - Cultivation facility size was inconclusive, most felt it should be regulated in some way.
    - In general: clear support for the amendments that were presented.

# PROPOSED LAND USE BYLAW AMENDMENT

## Cannabis Retail Sales

### – Parkland County's Approach

- Province has established comprehensive regulations for cannabis retail sales.
  - Hours of operation
  - Minors prohibited
  - Substance prohibited from being consumed within licensed premises
- Potential nuisance impact is likely to be the same as those generated by liquor sales.

# PROPOSED LAND USE BYLAW AMENDMENT

## • Cannabis Retail Sales

- Means a development, or any part thereof, used for the retail sale of Cannabis as licensed by the Province of Alberta. Does not include Cannabis Cultivation, Major; Cannabis Cultivation, Minor; Cannabis Processing, Major; Cannabis Processing, Minor; or Convenience Retail.
- Districts
  - Discretionary: RC, HC, LC, BI, MI
- Specific Use Regulation
  - 100.0m from schools (Educational Services), public healthcare facilities, and school reserve or municipal and school reserve
  - Shall meet all federal and provincial requirements prior to operation

# PROPOSED LAND USE BYLAW AMENDMENT

## Cannabis Cultivation

### – Parkland County's Approach

- Mirrored the federal licenses – established two use classes.
  - Major
  - Minor
- Accessible but conditioned
  - Uses are allowed in districts throughout the County; specific conditions ensure compatibility.
- Priority Agriculture
  - Major cultivation is not permitted on Prime Agricultural lands
  - Minor cultivation allowed throughout the County; well suited to marginal lands
- Identified that Cultivation was a compatible use with many districts, including:
  - Industrial, Agricultural, Country Residential (Minor)

# PROPOSED LAND USE BYLAW AMENDMENT

- **Cannabis Cultivation, Major**

- means a *development that has a plant canopy area greater than 200.0 m<sup>2</sup> and is used principally for the production, cultivation, and growth of Cannabis as licensed by Health Canada. This use class does not preclude the packaging, storage and transporting of products and materials related to cultivation of Cannabis. This does not include Industrial Hemp.*

- Districts

- Permitted: BIR, MIR
    - Discretionary: AGG, AGI, BI, RE, RIC

- Specific Use Regulations

- Not to be located in Prime Agricultural Area (as identified in MDP)
    - 150.0 m from Multi-Parcel Residential Subdivision
    - Dark sky compliant practices / screening may be required

# PROPOSED LAND USE BYLAW AMENDMENT

- **Cannabis Cultivation, Minor**

- means a *development that has a plant canopy area 200.0 m<sup>2</sup> or less* and is used principally for the production, cultivation, and growth of Cannabis as licensed by Health Canada. This use class does not preclude the packaging, storage and transporting of products and materials related to cultivation of Cannabis. This does not include Industrial Hemp.

- Districts

- Permitted: AGG, BIR, MI
    - Discretionary: AGI, ANC, CR, BI, RIC

- Specific Use Regulations

- Restrict gross floor area to 325.0 m<sup>2</sup>
    - 30.0m setback from property lines /150.0m from Multi-parcel Subdivision
    - Landscaping and screening may be required

# PROPOSED LAND USE BYLAW AMENDMENT

## Cannabis Processing

### – Parkland County's Approach

- Mirrored the federal licenses – established two use classes.
  - Major
  - Minor
- Anticipated that the production of edibles, extracts/concentrates (including vapourizer cartridges) and topicals will be allowed under a Federal Cannabis Processing license.
- Unknown if Federal licensing would allow for the future use of butane, propane, acetone, alcohol and other chemicals during the manufacturing process.
- Cannabis Processing developments will be subject to the standard development regulations of the respective industrial district.

# PROPOSED LAND USE BYLAW AMENDMENT

- **Cannabis Processing, Major**

- Means a development that is used principally for one or more of the following: making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products of cannabis as licensed by Health Canada. This use class does not preclude the storage and transporting of products and materials related to Cannabis processing. This does not include Industrial Hemp.

- Districts

- Permitted: BIR, MI
    - Discretionary: AGI, BI, RE, RIC

# PROPOSED LAND USE BYLAW AMENDMENT

- **Cannabis Processing, Minor**

- Means a development used *principally to process a maximum of 600.0 kg of dried cannabis (or equivalent) in one (1) calendar year*. This includes one or more of the following: making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products of cannabis as licensed by Health Canada. This use class does not preclude the storage and transporting of products and materials related to Cannabis processing. This does not include Industrial Hemp.

- Districts

- Permitted: BIR, MI
    - Discretionary: AGI, BI, RE, RIC

# BYLAW 2019-01

## Upon closure of the Public Hearing:

1. That Bylaw 2019-01 be amended as presented in Attachment 8.
2. That Bylaw 2019-01 receive Second Reading.
3. That Bylaw 2019-01 receive Third and Final Reading.