



ADMINISTRATIVE REPORT

Topic: Cannabis Regulations - Land Use Bylaw amendment

Introduction

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, specific use regulations, and application requirements.

Facts (Background Information):

On October 17, 2018, the federal *Cannabis Act* and its supporting regulations came into effect. The Act regulates the legal access to cannabis and controls and regulates its production, distribution and sale within Canada.

Alberta's *Gaming and Liquor Statutes Amendment Act* was adopted on May 30, 2018. It provides the Alberta Gaming and Liquor Commission (AGLC) the means necessary to oversee and enforce Alberta's cannabis market related to sales, consumption and advertising.

As the land use management authorities, Canadian municipalities are responsible for land use and zoning regulations related to cannabis production and distribution. Currently, opportunities for cannabis-related developments are limited in Parkland County. Cannabis production facilities are not permitted within industrial districts and cannabis retail sales facilities are not permitted anywhere within the County. As such, the Land Use Bylaw does not accommodate the wide range of economic opportunities related to the cannabis industry.

Therefore, Administration is proposing to amend Land Use Bylaw 2017-18 to allow a diverse range of businesses pertaining to the cannabis industry to be approved within certain Land Use Districts in Parkland County.

Analysis

Administration conducted the following tasks in order to determine the appropriate type and scope of the proposed amendment:

1. Background research (see Attachment 4 – Background Research Report)
 - a. Research of emerging provincial and federal regulations pertaining to cannabis; and,
 - b. Research of Land Use Bylaws across municipalities in Alberta and other provinces.
2. Public engagement (see Attachment 5 – What We Heard Report)

- a. Two (2) public open houses; and,
- b. Advertisement in newspapers, and notifications in social media.

Based on research and feedback received, Administration determined that allowing a variety of cannabis-related businesses under new land use classes would be appropriate in certain areas within Parkland County. This would include adding “Cannabis Cultivation, Major”, “Cannabis Cultivation, Minor”, “Cannabis Processing, Major”, and “Cannabis Processing, Minor” as new use classes within Land Use Bylaw 2017-18. In addition, removing “Cannabis Production Facility” as a use and modifying the definition of “Cannabis Retail Sales” use.

“Cannabis Cultivation, Major” and “Cannabis Processing, Major” are appropriate as permitted and discretionary uses within a number of the County’s industrial districts, due to those districts proximity to key transportation networks and servicing opportunities. In an effort to uphold the intent of the Municipal Development Plan Bylaw 2017-14 Prime Agricultural Areas, “Cannabis Cultivation, Major” use would not be permitted on prime agricultural lands. “Cannabis Cultivation, Major” use would be considered on a discretionary basis by the Development Authority in agricultural districts, provided that sufficient transportation networks, site servicing, and regard for soil capacity can be demonstrated. “Cannabis Processing, Major” and “Cannabis Processing, Minor” would be directed to the County’s industrial district due to the uses’ close association with manufacturing.

Key planning considerations when approving “Cannabis Cultivation, Minor” (less than 200m² grow area) in rural districts include sufficient development setbacks from multi-parcel residential subdivisions and schools; maximum gross floor area; appropriate screening and landscaping; and minimum setbacks from property boundaries. By including this use in rural areas, it allows for increased productivity and economic opportunity on marginal farmlands. This use would be considered on a discretionary basis by the Development Authority in Country Residential with appropriate regard for specific context and location of proposed use.

Administration is of the opinion that the potential nuisance impact of the retail sales of cannabis is likely to be the same as those impacts generated by liquor sales. The sale of both substances is regulated by the Province’s *Gaming, Liquor and Cannabis Act* (i.e. hours of operation are outlined by the province, minors are prohibited from purchasing the substance, the substance is prohibited from being consumed within the licensed premises). Administration’s approach to the retail sales of cannabis is to allow Cannabis Retail Sales use as discretionary within the same commercial districts as Liquor Sales/Distribution Services, provided that the development meets provincial setbacks from schools, provincial healthcare facilities, and school and municipal and school reserves.

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

- 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 first reading.

Recommendation:

Administration supports the proposed amendment and recommends that Council give first reading to Bylaw 2019-01, and set a Public Hearing for April 9 2019, at 9:30 a.m. in Council Chambers to hear public comment on Bylaw No. 2019-01.

Attachments:

Attachment 1: Bylaw 2019-01

Attachment 3: Land Use Bylaw 2017-18 – Redlined with Amendments

Attachment 4: Background Research Report

Attachment 5: What We Heard Report

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