

Wheatland County

Request for Decision

Regular Council Meeting

July 7, 2020

Report prepared by: Megan Williams



Bylaw 2020-26 – Cannabis Production Facility First Reading

Recommendation from Administration

Resolution 1: That Council grant First Reading of Bylaw 2020-26, this being a bylaw for the purpose of amending Land Use Bylaw No. 2016-01 to update multiple Land Use Districts, Specific Use Regulations, and Definitions regarding Cannabis Production Facilities and Cannabis Cultivation. as shown on the attached Schedule 'A'.

Resolution 2: That a public hearing for Bylaw 2020-26 be scheduled for September 1st, 2020 at 9:00AM in Wheatland County Council Chambers. If the office remains closed to the public due to Covid-19, the public hearing will be held by conference call in accordance with the Municipal Government Act, Section 199.

Chief Administrative Officer's Comments

N/A

Report

Staff was given direction through the March 23, 2020 planning and priorities meeting to review the Cannabis Production Facility section of the Land Use Bylaw (LUB) with the following specific considerations:

- 1) Lifting the West Hwy 1 Area Structure Plan Restriction;
- 2) Lifting some of the setback requirements;
- 3) Adding Cannabis Production Facilities to additional land uses;
- 4) Including Cannabis Cultivation as a use within the LUB.

In researching the surrounding municipalities, Staff has found typically cannabis production facilities are permitted in industrial, direct control, and rural business land use districts. Staff also inquired into whether there were substantial complaints surrounding the cannabis production facilities and the responses indicated there were few complaints, but that this may be because the production facilities are located in rural settings. For this reason, Staff is recommending cannabis production facility be included in the intensive industrial district as well, but not be included in hamlet industrial districts.

Rocky View County created a separate land use 'Cannabis Cultivation' that exclusively allows for the growth of Cannabis. Staff has received several requests in the past about diversifying agricultural operations and allowing cannabis growth on agricultural parcels. Using Rocky View's definition, and listening to the requests of Wheatland landowners, Staff is recommending Cannabis Cultivation be added as a discretionary use in the Agricultural General and Rural Business land use districts. Staff is also recommending Cannabis Cultivation be added as a permitted use in the Industrial General District. Staff is specifically excluding Cannabis Cultivation from the Intensive Industrial use as it does not suit the purpose and intent of the district.

In addition to reviewing the land use bylaws of surrounding municipalities, Staff reached out to developers who have recently obtained a development permit for a cannabis production facility or who were looking into

obtaining one and asked for feedback on the regulations. The developers noted the following regulations as onerous or costly:

1. The setbacks.
2. That all activities occur within a building.
3. The landscaping plan.
4. The waste management plan.

Staff does not agree with changing the requirements for a landscaping or waste management plan. A landscaping plan is required for all industrial developments and it mitigates the spread of weeds and keeps an area aesthetically pleasing. A waste management plan ensures the waste disposal is safe and doesn't produce nuisance factors. Staff is not requiring the Cannabis Cultivation Use to provide a waste management or landscaping plan, as it is considered an agricultural use.

Based on the first two suggestions, and regulations other municipalities have for cannabis production facility setbacks, Staff is recommending lowering the setback requirement to 150 m (492 ft) from 500 m (1640 ft). As there is the potential for both uses to occur near a residential dwelling, and in the case of Cannabis Cultivation on a parcel of land that has a dwelling, Staff is recommending keeping the 100 m (328 ft) setback from the boundary of the proposed development, rather than the property line.

Staff has included an attachment showing Part 8.3 of the land use bylaw to summarize the proposed changes.

Relevant Policies, Practices, and Legislation

The proposed changes align with the relevant policies, practices and legislation of the South Saskatchewan Regional Plan, the Municipal Development Plan, and the Cannabis Regulations. The proposed amendments do not contravene the Federal or Provincial laws under the Cannabis Regulations and Cannabis Act. The proposed amendments also support the economic guidelines in the aforementioned documents, that all speak to diversifying the industrial and agricultural economy.

Alignment with the Strategic Plan

The proposed amendments align with the Economic Development Strategy by decreasing how strict and the number of regulations in the cannabis production facility and cannabis cultivation section of the Land Use Bylaw. It also diversifies the agricultural economy by allowing farmers to apply to grow cannabis without the requirement to redesignate to an industrial general district.

Response Options

Option 1: THAT the proposed recommendation is accepted/approved.

Option 2: THAT the proposed recommendation is not accepted/approved.

Option 3: THAT an alternate recommendation is accepted/approved.

Implications of Recommendation

General

N/A

Organizational

N/A

Financial

N/A

Environmental, Staff, and Public Safety

N/A

Follow-up Action / Communications

Staff will advertise the public hearing for September 1, 2020.

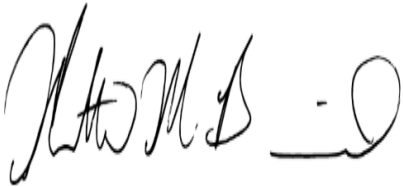
Report Approval Details

Document Title:	Bylaw 2020-26 - First Reading Cannabis Production Facility.docx
Attachments:	- Bylaw 2020-26 LUB amendment, CPF.pdf - New 8.3 Cannabis Production Facilities.pdf
Final Approval Date:	Jun 28, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Sherry Baers". The script is cursive and fluid.

Sherry Baers

A handwritten signature in black ink, appearing to read "Matthew Boscarol". The script is cursive and fluid.

Matthew Boscarol