

Wheatland County

Request for Decision

Regular Council Meeting

September 1, 2020

Report prepared by: Megan Williams



Bylaw 2020-26 Public Hearing, Second & Third Reading: Cannabis Production Facilities

Recommendation from Administration

Resolution 1: That Council undertake the Public Hearing for Bylaw 2020-26.

Resolution 2: That Council move Second 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 3: That Council move Third 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'.

Chief Administrative Officer's Comments

N/A

Report

Division: County-wide

Staff was given direction through the March 23, 2020 Planning and Priorities Committee 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 reducing 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.

Staff circulated to landowners within Wheatland County by advertising through Facebook and the newspapers. No comments were received at the time of writing this report. Staff received no objections or concerns from external agencies or internal departments.

Relevant Policies, Practices, and Legislation

Cannabis Act

Cannabis Regulations

South Saskatchewan Regional Plan

Municipal Development Plan

Regional Growth Management Strategy

Land Use Bylaw

Economic Development Strategy

Alignment with the Strategic Plan

The proposed changes align with the aforementioned Acts, Regulations, Plans, Strategies, and Bylaws. It decreases the number of regulations in place, and diversifies the agricultural economy.

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 update the Land Use Bylaw 2016-01 to reflect the changes.


Report Approval Details

Document Title:	Bylaw 2020-26 PH, 2nd and 3rd Reading Cannabis Production Facility.docx
Attachments:	<ul style="list-style-type: none">- Bylaw 2020-26 LUB amendment, CPF.pdf- New 8.3 Cannabis Production Facilities.pdf- Bylaw 2020-26 Comment summary.docx
Final Approval Date:	Aug 19, 2020

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



Sherry Baers



Matthew Boscarol



Brian Henderson