

Priorities Committee Meeting_Mar13_2018

STRATEGIC INITIATIVE AND UPDATE

Retail Sale of Cannabis

Report Purpose

To provide information and discuss with the Priorities Committee future amendments to Land Use Bylaw 6-2015 to accommodate the retail sale of cannabis in the county.

Council History

January 23, 2018 – Council adopted Bylaw 68-2017 creating a definition for “cannabis production facility” to be a listed discretionary use in the IM – Medium Industrial Zoning District and the AG – Agriculture District.

November 7, 2017 – Council adopted Bylaw 63-2017 which amended the Land Use Bylaw 6-2015 to add agriculture, intensive horticulture and agriculture, product processing as discretionary uses in the IM – Medium Industrial zoning district.

September 12, 2017 – Council adopted Bylaw 55-2017 which amended Land Use Bylaw 6-2015 to move agriculture, intensive horticulture to a discretionary use in those districts where it was listed as a permitted use.

August 14, 2017 - Council moved that administration bring forward recommendations to change the Land Use Bylaw in order to address and place land use regulations on licensed cannabis growing, production, distribution and processing facilities, including consumption, to reflect current and proposed changes in federal regulations by the end of second quarter of 2018.

Strategic Plan Priority Areas

Economy: n/a

Governance: n/a

Social: n/a

Culture: n/a

Environment: n/a

Other Impacts

Policy: n/a

Legislative/Legal: The *Municipal Government Act* provides that Council may, by bylaw, amend the Land Use Bylaw.

Interdepartmental: Communications, Economic Development and Tourism, Emergency Services, Family and Community Services, Human Resources, Legislative and Legal Services, Recreation Park and Culture, RCMP and Enforcement Services.

Summary

In 2017 administration established a cross-department working group to coordinate the County’s response with respect to the legalization of cannabis. This includes amendments to the County’s Land Use Bylaw in addition to other County bylaws as necessary.

On February 16, 2018, the Government of Alberta released the regulatory requirements for retail cannabis in Alberta. The Alberta Liquor and Gaming Commission (AGLC) will begin accepting applications starting March 6, 2018 for retail cannabis licences.

The Province will be administering and issuing licenses; however, prior to issuance of a provincial license, applicants will be required to obtain a development permit from the municipality ensuring compliance with all municipal land use regulations.

To control the location of privately owned retail shops, an amendment to Land Use Bylaw 6-2015 will be required.

Proposed Approach:

Land Use Definitions:

Planning and Development Services is finalizing new use land use definitions which will be brought forward for Council's consideration in the near future. Amendments to existing retail definitions will also be required to ensure that a cannabis retail store is its own district land use.

Land Use Districts - Permitted or Discretionary Use:

Council must determine which land use districts in the County will allow cannabis retail stores and whether they are to be considered a permitted and/or a discretionary use.

In order to provide opportunities for cannabis retail stores while still ensuring rules to manage proximity to sensitive uses outlined by the Province, administration recommends they be considered permitted in some land use districts and discretionary in others.

To be consistent with how the County currently administers retail alcohol, administration recommends Council consider cannabis retail stores as both a permitted and discretionary depending on the district as noted below:

Standard Districts	Use	Direct Control Districts	Use
C1 Community Commercial	D	DC19 "A"	D
C2 Arterial Commercial	P	DC3	P
C3 Highway Commercial	D	DC44 (<i>rural commercial RR 221</i>)	D
C4 Major Commercial	P	DC45	D
C5 Service Commercial	D	DC48"A"	D
ILT Light Industrial	D	DC48"B"	D
C7 Local Commercial	D	DC48"C"	D
UV1 Centre in the Park Area II	D	DC54 (<i>Hwy 16 commercial</i>)	D
UVI Centre in the Park Area III	D	DC69 "Area 1"	P
UV2 Emerald Hills Area VII	D	DC 72"Area I and 2"	D
UV4 Salisbury Village – Area 2	P	DC75"C"	D
UV4 Salisbury Village – Area 9	P	DC10B	D
UV4 Salisbury Village – Area 10	P	DC1	P
UV4 Salisbury Village – Area 11	P	DC36 (<i>South Cooking Lake</i>)	D

D – Discretionary Use

P – Permitted Use

Specific Use Regulations:

The Province has identified a minimum 100 metre buffer from cannabis retail stores to provincial health care facilities, schools, and municipal school reserves. Municipalities have the ability to reduce or increase the buffer should they decide it will better serve the community.

Administration recommends establishing new Specific Use Regulations for cannabis retail stores to help regulate the 100 metre buffer requirement to provincial health care facilities, schools and municipal school reserves.

In addition to implementing new Specific Use Regulations, a Land Use Bylaw amendment is required to remove Section 6.9 "Drug Paraphernalia" from the current Specific Use Regulations.

Other Planning Considerations:

There are various other land use matters that should be considered as Council may wish to include these under the Specific Use Regulations. These may include:

Hours of operation:

Hours of operation for retail cannabis stores have been established by the Province in the same manner as for liquor stores being 10 a.m. to 2 a.m. Municipalities have the ability to reduce these hours should it better serve the community.

Setbacks from other sensitive uses:

Some municipalities are considering setbacks from other sensitive uses including residential uses and daycares. In addition, some municipalities are also considering the impact of possible clustering of cannabis stores and/or liquor stores within their community. Council may wish to consider implementing minimum separation distances between cannabis stores and/or liquor stores.

As we currently do not impose minimum separation distances between liquor stores, administration would recommend not imposing a minimum separation distance between retail cannabis stores.

Specialized municipality:

Administration is proposing to regulate retail cannabis stores in all areas of the County consistently. This may result in a retail cannabis store operating in South Cooking Lake or Ardrossan should the application meet all the regulations of Land Use Bylaw 6-2015.

Cannabis production:

All producers of cannabis or cannabis products shall, under the proposed Cannabis Act, be federally licensed to operate. Following the coming into force of the proposed Act, the Government of Canada will establish application processes and criteria for those individuals or entities who wish to become producers of legal cannabis.

Health Canada is proposing the following categories of licensing activities:

- **Cultivation**
 - **Standard cultivation**, which would authorize the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities
 - **Micro-cultivation**, which would authorize the small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities
 - **Industrial hemp**, which would authorize the growing of industrial hemp plants (those containing 0.3% THC or less) and associated activities
 - **Nursery**, which would authorize the growing of cannabis plants to produce starting material (seed and seedlings) and associated activities.

- **Processing**

- **Standard processing**, which would authorize the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities
- **Micro-processing**, which would authorize the small-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

Until such time as the criteria for producers as noted above has been approved by Health Canada, administration is not proposing any amendments at this time.

Next steps:

Amendments to other bylaws

Moving forward, the Cannabis Coordination Committee will continue to review and bring forward amendments to ensure alignment with the upcoming legislation:

- Fees, Rates & Charges Bylaw 4-2017 (permit fees for cannabis retail stores)
- Parks Bylaw 21-2013 (public conduct)
- Public Transportation Systems Bylaw 27-2013 (rules governing passengers)

Various County policies and administrative directives have been identified by a number of departments and are also under review to ensure alignment in advance of legalization.

Land Use Bylaw amendments

It is anticipated that the land use bylaw amendments will be presented to Council on April 24, 2018. A Public Hearing would also be held on this date to provide an opportunity for member of the public to speak to Council on the proposed bylaw.

Enclosures

- 1 Presentation - retail cannabis
- 2 Sherwood Park - potential use areas
- 3 Ardrossan - potential use areas
- 4 South Cooking Lake – potential use areas
5. Sherwood Park – 100 m buffer
- 6 Ardrossan – 100 m buffer
- 7 South Cooking Lake – 100 m buffer