



Land Use Bylaw & CANNABIS LEGISLATION

Due to the upcoming legalization of Cannabis, municipalities have been granted the ability to regulate land uses within this new arena. Specifically as it pertains to retail, production, and public consumption.

Land Use Bylaw: New Definitions

Cannabis – means a cannabis plant, any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in Schedule 2 of the Cannabis Act. Any substance or mixture of substances that contains or has on it any part of such a plant. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Cannabis Accessory – means (a) a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis; or (b) a thing that is deemed to be represented to be used in the consumption of cannabis or the production of cannabis providing that a thing is commonly used in the consumption or production of cannabis if that thing was sold at the same point of sale as cannabis.

Cannabis Recreational Production Facility – means a facility/use where cannabis is grown, processed, packaged, tested, destroyed or stored.

Cannabis infused edible – means any edible food product (liquid or solid) that contains cannabinoids, especially tetrahydrocannabinol (THC).

Cannabis license – means a license under this Act that authorizes the purchase, sale, transport, possession, storage or use of cannabis.

Cannabis oil – means an oil, in liquid form at room temperature of 22 +/- 2°C, that contains cannabis in its natural form.

Cannabis retail sales – means a retail store, licensed by the Province of Alberta, where non-medical Cannabis and Cannabis accessories are sold to individuals who attend the premises.

Cannabis supplier – means a person who holds a license under the federal Act that authorizes the person to produce cannabis for commercial purposes or to sell cannabis to the Commission.

Dried marihuana – means harvested marihuana that has been subjected to any drying process, but does not include seeds.

Fresh marihuana – means freshly harvested marihuana buds and leaves, but does not include plant material that can be used to propagate marihuana.

Licensed dealer has the same meaning as in section 2 of the Narcotic Control Regulations.

Marihuana (marijuana) – means the substance referred to as “cannabis” (marihuana) in Item 1 sub-item (2) of Schedule II of the Controlled Drug and Substances Act, s.c. 1996 – c. 19, as amended and its successor.

Licensed premises – is defined as the premises where cannabis is sold pursuant to a provincial cannabis license.

Definitions continued...

Licensed producer – means a holder of a license issued under Section 35 of the Access to Cannabis for Medical Purposes Regulations (SOR/2016-230).

Medical Cannabis Production Facility – means a facility of one or more buildings used for the purposes of growing, labelling, packaging, testing, destroying, storing, researching and developing, shipping and receiving of medical Cannabis marihuana) and cannabis oil by a licensed producer in natural, fresh, dry or processed form. This use does not include retail production sites, sales or a dispensary.

Additions to Section 61: Medical Marihuana Production Facility

- 1) A development permit is required
- 2) A medical marihuana production facility shall operate only under applicable Federal licensing. Proof of valid Federal licensing and the activities as approved hereunder shall be provided to the Development Authority.
- 3) All licensed processes and functions shall be fully enclosed within a building(s).
- 4) No odour, smoke or air borne particles inherent to the nature of operations shall be determinable beyond the legal boundaries of the parcel.
- 5) An applicant shall demonstrate the ability to comply with municipal water allotments or prove a licensed source of water.
 - a. Water modeling may be required
- 6) Landscaping and screening shall be completed to the satisfaction of the Development Authority.
- 7) The Development Authority may impose the following conditions pertaining to a medical marihuana production facility:
 - a. Setbacks from roads, residential uses, and other developments;
 - b. Delivery route requirements and location of access to the lands; and
 - c. Provision of a waste management plan, completed by a qualified environmental engineering professional that includes detail on:
 - i. The incineration of waste products and airborne emissions, including odour;
 - ii. The quantity and characteristics of liquid and waste material discharged by the facility; and
 - iii. The method and location of collection and disposal of liquid and waste material.
- d. All loading facilities shall be fully enclosed within the building;
- e. All garbage containers and waste material shall be fully enclosed within the building;
- f. The site shall be fully enclosed by a fence. Fencing on all street frontages shall be contained within the property lines so as not to obscure landscaping;
- g. An engineered Drainage Plan is required;
- h. The use shall not emit nuisances including, but not limited to, odour, noise and light, that may have a negative impact to adjacent sites or surrounding area;
- i. A Security Plan must be provided and accepted by the County.
- j. There shall be no retail sales allowed;
- k. No dispensary is allowed on site;
- l. A Ventilation Plan is required
- m. A full Environmental Review may be required;
- n. An engineered Storm Water Management Plan is required;
- o. All Development must comply with the Safety Codes Act;
- p. The applicant shall comply with all approvals granted by Health Canada
- q. A disposal plan outlining the proposed means or removing and disposing of waste product from the operation shall be approved in writing prior to the occupation of the approved building.

Section 62: Cannabis Retail Sales and Cannabis Recreational Production Facility

- 1) All Cannabis Retail Sales and Cannabis Recreational Production Facilities will be required to redesignate the property to a Direct Control District
- 2) A development permit shall be required for all Cannabis retail and Cannabis recreational production and sales facilities.
- 3) Proof of eligibility must be included with the development permit application.
- 4) Cannabis recreational production and retail sales facilities shall operate only under applicable Federal and Provincial licensing. Proof of valid Federal and Provincial licensing and the activities as approved hereunder shall be provided to the Development Authority.
- 5) All licensed processes and functions shall be fully enclosed within a building(s).
- 6) Must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of a ventilation system
- 7) Siting of a Cannabis Retail Production or Sales facility is prohibited within 300 metres of a health care facility, school, school reserve parcel, hospital, child care facility, playground, sports/playing field, skateboard/bicycle park, zoo, outdoor theatre, outdoor splash park/pool, church, community center, rodeo grounds, golf course, cemeteries and any similar public use facilities.
- 8) The separation distance between a Cannabis Retail Sales use and/or Cannabis Recreational Production Facility and any other Cannabis Retail Sales use and/or Cannabis Recreational Production facility shall be not less than 100 meters from each other.
- 9) Separation distances shall be determined by measuring a straight line from the closest point of the building on the lot on which the existing Cannabis Retail Sales use and/or Cannabis Recreational Production Facility is located to the closest point of the building on the lot on which the proposed Cannabis Retail Sales use is located.
- 10) Hours of operation for a retail facility shall be limited to Monday to Friday from 10:00 a.m. to 2:00 a.m.
- 11) Signage for the facility shall be limited to the facility itself.
- 12) Separation distances from a Cannabis Retail Sales use and/or a Cannabis Recreational Production Facility to a public use facility/area shall be measured from the closest point of the proposed facility to the property line of any other specified public use as noted in 62(6).
- 13) Retail locations are restricted from selling any Cannabis infused edible products.
- 14) Retail locations are prohibited from having stock that is not contained in a secure location.
- 15) All garbage containers and waste material shall be fully contained inside the building.
- 16) A security plan must be provided and accepted by the County.
- 17) A Public Utility and Waste Management Plan, may be required, as a condition of a development permit, completed by a qualified professional, that includes details on:
 - a. The incineration of waste products and air borne emission, including smell;
 - b. The quantity and characteristics of liquid and waste material discharged by the facility; and
 - c. The method and location of collection and disposal of liquid and waste material



Public Consumption: Bylaw 1771

PROHIBITION: A person must not smoke, vape or consume cannabis in any public place.

“Public Place” includes any place to which the public has access as of right or by invitation, express or implied. For the purposes of campgrounds, this would include individual campsites, however, would not include an individual's RV unit or tent.

MEDICAL CANNABIS: A person who is entitled to possess cannabis pursuant to medical treatment is not subject to this bylaw.

However, they must produce a copy of their medical document as proof, when requested by an officer.

Section 62 continued...

- 18) Before granting a development permit for a Cannabis Retail Sales use and/or a Cannabis Recreational Production Facility where the use is discretionary, the Development Officer shall:
- notify, in writing, property owners and users within ½ mile distance of the proposed site of the Cannabis Retail Sales use and/or Cannabis Production Facility that the application has been received and give the adjacent property owners 21 days to provide written comments to the Development Officer with respect to the proposed Cannabis Retail Sales and/or Cannabis Production Facility application;
 - advise the applicant for the development permit for the Cannabis Retail Sales use that their application will not be considered completed until the time given to the property owners and users to provide written comment on the proposed development has expired; and
 - consider the comments received from the property owners and users prior to making a decision on the development permit application.



Land Use Bylaw Timeline*

- Open House, August 7, 2018
- First Reading, August 21, 2018
- Public Hearing, September, 2018
- Approved Land Use Bylaw, October, 2018

**Pending Council Approval*

Questions? Please contact Kneehill County's Planning Department, 1-866-443-5541