

Minutes of a Public Hearing, regarding Clearwater County Bylaw 1040/18 to amend the Land Use Bylaw 714/01 regarding Cannabis Production Facilities, held in the Clearwater County Council Chambers on March 27, 2018.

The Public Hearing was called to order at 11:30 AM with the following being present:

Reeve: John Vandermeer
Councillors: Jim Duncan

Cammie Laird
Daryl Lougheed
Theresa Laing
Tim Hoven
Michelle Swanson

Interim Chief Administrative Officer:

Rick Emmons

Director, Corporate Services:

Murray Hagan

Manager, Planning:

Keith McCrae

Senior Planner:

Kim Gilham

Planner:

Dustin Bisson

Director, Agriculture and

Community Services:

Matt Martinson

Manager, Legislative Services

Christine Heggart

Recording Secretary

Tracy Haight

Media:

Shaelyn Poteet

Public:

Tony Smith

Helge Nome

Evelyn Bertagnolli

Irene Kautz

John Bugbee

Tarina Beagle

Heather Morgan

Maureen Fisher

Ken Fisher

Chris Ellertson

Darrell Fay

Dale Bauer

Cheryl Verhaeghe

Craig McMorran

Ron Hallahan

Aron Sebek

Cyndal Johnston

Heather Thompson

Carmen Coe

Marion Schafer

Leanne Schmidt

Douglas Clinton

Gordon Jones

Ryan Low

Bobbie Jo Fay

Julie Robinson

Tom Reeves

Ben Swanson

Jerry Pratt

Kim McIntyre

Amber Williams

Rhonda Serhan

Mike Coe

Marianne Cole

Ross McCutcheon

Travis McIntyre

Andrea Garnier-Spongberg

Susan Durand

The Public Hearing process was outlined by Reeve Vandermeer.

The purpose of Bylaw 1040/18 is to amend Land Use Bylaw 714/01 to impose restrictions and development standards on medical marijuana production facilities in Clearwater County.

At the regular Council meeting held on February 13, 2018, Council reviewed and granted first reading to amendments of sections in the Land Use Bylaw as follows: to exclude 'medical marijuana production' from certain definitions; to add a definition for medical marijuana production facility; to add a special land use provision for medical marijuana production facilities that sets considerations and guidelines for development officers and the Municipal Planning Commission when considering future applications for medical marijuana production facility development; and, to add 'medical marijuana production facility' as a discretionary use in the County's three industrial districts.

At that time, Council inquired on including the term 'recreational marijuana production' in the bylaw. Administration subsequently obtained legal counsel and was advised that the Federal Government classifies all types of marijuana (excepting industrial hemp) as cannabis therefore regulations for commercial production, whether it is for medical or recreational purposes, are the same. Legal counsel further advised to replace the term 'Medical Marijuana' with the term 'Cannabis' and suggested additional technical amendments which do not change the intent of the bylaw that was granted first reading.

Based on legal counsel's advice, Bylaw 1040/18 was further amended, prior to second and third readings, to: reflect changes to terminology, punctuation and sentence structure; expand definitions; and add a definition for 'cannabis' that excludes 'industrial hemp' as defined under the Industrial Hemp Regulations (Canada).

As required by legislation, notice of today's Public Hearing was advertised in the local newspapers and comments were invited from adjacent municipalities. Upon consideration of representations made at the Public Hearing, Council may consider granting second and third readings to Bylaw 1040/18, as further amended.

The Chair invited questions from Council regarding the proposed bylaw.

No questions were received.

The Chair invited comments from referral agencies.

The Municipal Planning Commission recommends that Council favourably consider granting second and third readings to Bylaw 1040/18 as further amended.

Municipal District of Big Horn, Red Deer County and Lacombe County, which are municipalities adjacent to Clearwater County, responded with no concerns.

The Chair invited Applicant to speak to the proposal, add any comments in support of the request and, respond to the agency comments.

Administration, on behalf of Clearwater County as the Applicant, had no further additions or supportive and/or responding comments to the proposal.

The Chair invited comments from the public in favour of the proposed bylaw.

C. Johnston introduced herself as the Founder and Chief Executive Officer of HempE Distribution Inc. She explained the difference between hemp and cannabis and outlined the benefits and marketing opportunities for industrial hemp.

C. Johnston stated she is not in favour of restricting farmers of the opportunity to grow marijuana in greenhouses on their property however, there is concern with increased and indiscriminate rural property theft and damage as it would be difficult to determine if a greenhouse is used for growing marijuana or vegetables. Therefore, restricting marijuana production facilities to industrial areas would allow for better security.

C. Johnston asked that the County consider allowing property owners to apply for rezoning, with requirements for signage, should they wish to grow marijuana on their property.

A. Garnier-Spongberg introduced herself as an industrial lot developer in Clearwater County, a Business Representative on the Central Alberta Economic Partnership Board and, Secretary for Ignite Rocky.

A. Garnier-Spongberg noted the proposed bylaw provides opportunity to balance the economic benefits of cannabis production with environmental and social concerns to achieve sustainable opportunities in Clearwater County. She explained cultivating and processing differences between hemp, standard, and micro cannabis operations. She noted concerns with loss of agricultural land should standard cannabis production facilities be zoned as agricultural rather than industrial.

A. Garnier-Spongberg explained micro cultivation and processing of cannabis could be considered as a 'craft' market operation that could provide economic development opportunities to the area. She recommended that Bylaw 1040/18 be further amended to permit cannabis micro-production, cannabis nursery growing, and, hemp on agricultural and industrial zoned land.

M. Cole introduced herself as the President of the Clearwater County Taxpayers' Association.

M. Cole stated marijuana should not be considered as comparable to other agricultural crops because it is identified as a drug which requires strict security measures and is controlled by federal regulations. She noted the bylaw deserves full support as the County is being proactive in establishing guidelines to address safety concerns and the potential loss of agricultural land.

S. Durand introduced herself as a resident of Clearwater County and stated she supports the bylaw as it complies with federal regulations.

M. Schaffer introduced herself as a resident of Clearwater County and stated that she is in support of the bylaw as marijuana production should be kept separate from agriculture production.

The Chair asked for written submissions from the public in favour of the proposed bylaw.

One written submission in favour of the proposed bylaw was received from Dale Durand.

The Chair invited comments from the public in opposition of the proposed bylaw.

K. Fisher introduced himself as a resident of Clearwater County and stated he is concerned that the bylaw does not include land use provisions for growing hemp.

H. Nome introduced himself as a resident of Clearwater County and stated he supports K. Fisher's concern. He also stated his concerns with the amount of amendments made to the bylaw prior to second and third readings; the bylaw contains sweeping definitions/statements for 'cannabis production facility'; and, excludes home-growing, production and cultivation of cannabis.

C. Coe introduced herself as a resident of Clearwater County and stated she is concerned that the bylaw removes the rights of an individual to grow medical marijuana on private property; and, that individuals who are growing medical marijuana for personal use will be penalized for non-compliance.

C. McMorran introduced himself as a Clearwater County resident and stated he is also concerned with the amount of amendments to the bylaw made after first reading. He stated he is also concerned that the bylaw excludes farmers from opportunity to grow a valuable commodity and he asked that

Council consider including industrial hemp and cannabis micro-grow operations under agriculture land use provisions.

C. Ellertson introduced himself as a resident of Clearwater County and stated he is concerned home-growing, production and cultivation of marijuana will be non-compliant with the bylaw which will make it illegal for individuals to access the product for health/medical reasons.

C. Johnston asked that Council consider amendments to the definition for 'cannabis production facility' in the bylaw to allow for personal production of cannabis.

T. Beagle introduced herself as a resident of Clearwater County and stated property owners should have the opportunity to grow marijuana for the medical benefits.

L. Schmidt introduced herself as a resident of Clearwater County and stated she is concerned the bylaw denies individuals of the right to grow marijuana for its medical benefits.

The Chair asked for written submissions from the public in opposition of the proposed bylaw.

Written submissions in opposition of the proposed bylaw were received from Kelly Pengelly, Brenda McKenzie and Daron Bauer.

The Chair invited the Applicant to present final remarks.


D. Bisson responded as follows:

- After first reading the bylaw was amended to exclude industrial hemp as defined under the Industrial Hemp Regulations (Canada) Act.
- The bylaw is not intended to regulate and/or control home-growing, production and cultivation of cannabis.

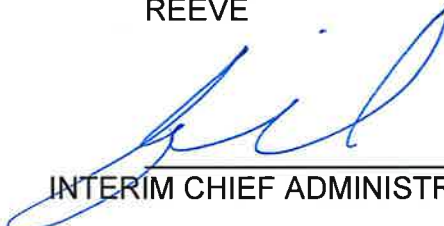
K. McCrae responded as follows:

- Amendments made to the bylaw after first reading are very minor and focus on terminology to accurately define and qualify production facilities.
- The addition of the definition for 'cannabis' in Part 1 s.1.7 of the bylaw recognizes that restrictions in the bylaw do not include industrial hemp.
- Amendments to the bylaw, prior to second and third reading, do not change the intent of the bylaw that was granted first reading.
- The bylaw does not restrict home-growing, production and cultivation of cannabis.
- If Council wishes, the following statement could be added to the definition of 'cannabis production facility' to distinguish 'production facility' from personal production as follows: 'This does not include personal production of cannabis as provided for by the Federal Government'.
- It is Administration's intent to research upcoming legislation for cannabis retail sales and draft an applicable bylaw for Council's consideration. At that time, Council may wish to consider amendments to accommodate micro-production/growing land use provisions.

The Chair closed the Public Hearing at 12:54 pm



REEVE



INTERIM CHIEF ADMINISTRATIVE OFFICER