

Land Use Bylaws RE: Cannabis Classification



RMA Analysis Quick Facts

- Only 8 out of 69 or 12% of RMA member municipalities have amended their land use bylaws (LUBs) to accommodate for recreational cannabis. That means 88% of RMA member municipalities have not amended their land use bylaws for recreational cannabis.
- 18 out of 69 or 26% of RMA member municipalities have LUBs that includes language for medical cannabis.
- Combined, there are 26 out of 69 or 38% of RMA member municipalities that have either medical or recreational cannabis included in their land use bylaws.

How to Use This Document

This document summarizes an environmental scan of RMA's 69-member municipalities LUB and only includes municipalities that have amended their LUB to accommodate cannabis (either recreational or medical). The focus of this scan was on production facilities, and more specifically definitions, classifications, and districts for these facilities.

This document only includes information that was available online up until May 30, 2018; meaning that there may be LUBs that have been amended to accommodate for recreational cannabis, or that were in the process of doing so (e.g. first, second, or third readings) but were not publicly available.

If your municipality has an updated LUB that can be added to this document, please contact:

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Land Use Bylaws RE: Cannabis Classification



Recreational Cannabis¹

MUNICIPALITY:	County of Minburn
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW:	Direct Control District

DEFINITIONS:

Agriculture, Intensive means an agricultural operation that operates on an intensive basis and due to its nature can be sustained on smaller areas of land. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, sod farms, tree farms, fish farms, berry farms, mushroom farms, stud farms, horse training and/or boarding facilities, market gardens, apiaries, and medical marijuana facilities, but does not include a confined feeding operation as defined by the AOPA.

Marijuana Production Facility means the use of land, buildings and structures comprising one or more buildings or structures used for the purpose of cultivating, growing, processing, packaging, testing, destroying, sorting or shipping federally licensed marijuana. A Marijuana Production Facility consists of some or all of the following components: greenhouses, warehouses, laboratories, processing facilities, commercial kitchens, administrative offices, stormwater reservoir and shipping facilities, but does not include onsite retail sales of federally licensed marijuana. A Marijuana Production Facility is licensed or authorized by Health Canada and/or other government agency responsible for regulation of the proposed activities.

MUNICIPALITY:	County of Paintearth
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW:	Agriculture District, Airport Fringe District, Hamlet Industrial District, Natural Resources Extraction District, Rural Commercial Industrial District, Rural Commercial Industrial 2 District – Crowfoot Crossing (Discretionary Use for all)

DEFINITIONS:

Licensed Marijuana Facilities – Production and/or Retail – no definitions in LUB but appears to cover both medical and non-medical marijuana.

¹ Bylaw Information as they relate to amendments for recreational cannabis or for no distinction between medical and recreational cannabis.

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MUNICIPALITY:**MD of Opportunity**

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW

- Cannabis Retail Sales (all discretionary use) in the Commercial District (C1, C2, C3), Highway Commercial District, Direct Control District
- Cannabis Production and Distribution Facility (discretionary uses) in the Industrial District

DEFINITIONS:

CANNABIS means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

CANNABIS ACCESSORY means cannabis accessory as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

CANNABIS LOUNGE means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial and federal legislation. This does not include cannabis production and distribution.

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 at the premises.

CANNABIS PRODUCTION AND DISTRIBUTION FACILITY means a development used principally for one or more of the following activities relating to cannabis:

- (a) The production, cultivation, harvesting, and growth of cannabis;
- (b) The processing, trimming, drying, and curing of raw materials;
- (c) The making, testing, manufacturing, assembling, packaging or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
- (d) The storage or shipping of materials, goods, or products, or;
- (e) The distribution and sales of materials, goods, and products to cannabis retail stores or to individual customers.

MEDICAL CANNABIS means cannabis prescribed by a health care practitioner as defined by provincial or federal legislation;

MEDICAL CANNABIS CLINIC means any business or enterprise whether or not operated for profit intended to serve as a means of distributing or providing cannabis for medical purposes as defined by provincial or federal legislation;

NON-MEDICAL CANNABIS means cannabis not prescribed by a health care practitioner as defined by provincial or federal legislation.

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MUNICIPALITY:	Mountain View County
CONTACT INFO:	Margartha Bloem, Director of Planning and Development mbloem@mvcountry.com
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW:	a. Direct Control District b. Industrial District and Heavy Industrial District (Discretionary Use)

DEFINITIONS:

FEDERALLY LICENSED MARIJUANA means plants grown for the production of marijuana based products, authorized by a licence issued under the Federal government's marijuana production related legislation and regulations.

MARIJUANA PRODUCTION FACILITY means a facility, comprised of one or more buildings or structures used for the purpose of growing, processing, packaging, testing, destroying, storing or shipping Federally licensed marijuana. A marijuana production facility consists of some or all of the following components: greenhouses, warehouses, laboratories, processing facilities, administrative offices, a rainwater reservoir, and shipping facilities but does not include onsite retail sales of Federally Licenced Marijuana. All activities associated with the growing, processing or shipping functions shall be located inside fully enclosed buildings.

HORTICULTURAL USE, MEDICINAL means the production of intensively cultivated plants for physician-prescribed forms of medical or therapeutic benefit.

COMMENTS/ADDITIONAL INFORMATION:

Bylaw amendment occurring in 2018, hopeful to have a standalone amendment in the LUB before July.

MUNICIPALITY:	Parkland County
CONTACT INFO:	Craig Thomas, Manager - Development Planning cthomas@parklandcounty.com
CLASSIFICATION:	Specialized Botanical Production Facility
DISTRICT OF LAND USE BYLAW:	Agricultural General District (discretionary use)

DEFINITIONS:

SPECIALIZED BOTANICAL PRODUCTION FACILITY means a Development in a stand-alone Building where marijuana plants are grown, processed, packaged, tested, destroyed, stored, distributed, or loaded for shipping.

HORTICULTURAL USE means a Commercial horticultural operation other than a Confined Feeding Operation that, due to the nature of the operation, requires smaller tracts of land. Without restricting the generality of the foregoing, this shall include horticultural uses like nurseries, greenhouses, market gardens, tree farms, specialized botanical production, and specialty crops.

MUNICIPALITY:	Ponoka County
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW:	Direct Control District

DEFINITIONS:

Marijuana Production - Marijuana may be produced, processed, and packaged only on land classified as Direct Control, and where the operator has the required permit from the Government of Canada (By-Law 9-14-A).

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MUNICIPALITY: Red Deer County

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW ?

DEFINITIONS:

Cannabis means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time, and includes edible products that contain cannabis. (Bylaw No. 2018/11)

Cannabis means the substance set out in item 1 of Schedule II to the Controlled Drug and Substances Act, s.c. 1996 – c. 19, as amended and its successor. (Bylaw No. 2017/22)

Cannabis Retail Sales means a retail store that is licensed by the Province of Alberta to lawfully sell cannabis and cannabis accessories. (Bylaw No. 2018/11)

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 cannabis (marihuana) and cannabis oil by a licensed producer in natural, fresh, dry or processed form. This use does not include retail sales or a dispensary. (Bylaw No. 2018/11)

Licensed Producer means a holder of a license issued under section 35 of the Access to Cannabis for Medical Purposes Regulations (SOR/2016-230). (Bylaw No. 2017/22)

Marihuana (Marijuana) means the substance referred to as “cannabis” (marihuana) in Item 1 sub-item (2) of Schedule II to the Controlled Drug and Substances Act, s.c. 1996-c. 19, as amended and its successor. (Bylaw No. 2017/22)

MUNICIPALITY: Strathcona County

CONTACT INFO: Stacy Fedechko, Director of Planning and Development Services
stacy.fedechko@strathcona.ca

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW: Agriculture Zoning District and Medium Industrial Zoning District (Discretionary Use)

DEFINITIONS:

CANNABIS PRODUCTION FACILITY means a facility, comprised of one or more buildings or structures, used for the purpose of growing, producing, cultivating, testing, processing, researching, destroying, storing, packaging or shipping of cannabis by a federal government licensed commercial producer in accordance with federal legislation. This does not include the growing or processing of plants that are considered by federal legislation to be industrial hemp. (Bylaw 68-2017 – Jan 26, 2018)

COMMENTS/ADDITIONAL INFORMATION:

The following definition was amended in the Land Use Bylaw on January 23, 2018 to exclude cannabis production: **AGRICULTURE, INTENSIVE HORTICULTURE** means the primary and basic production and processing (i.e. cleaning, sorting, separating, grading or packing) of horticultural products such as vegetables, herbs and orchards, for sale on or off site. Typical uses include berry farms, tree farms, sod farms, plant nurseries and market garden operations. This does not include minor or intensive livestock agriculture, an agricultural product stand, a greenhouse or a cannabis production facility. (Bylaw 68-2017 – Jan 26, 2018)

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Medical Cannabis²

MUNICIPALITY:	Cypress County
DISTRICT OF LAND USE BYLAW:	Hamlet Industrial District, Industrial District, Light Industrial District (Class II Discretionary Use)

DEFINITIONS:

Licensed Medical Marihuana Production Facility means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging, and shipping of marihuana used for medical purposes as permitted and licensed by the Federal Government.

MUNICIPALITY:	Big Lakes County
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW:	Rural Industrial (Discretionary Use)

DEFINITIONS:

MEDICAL MARIJUANA FACILITY: A facility utilizing land and/or structures for the purpose of propagating, processing, storing and/or distributing marijuana used for medicinal purposes in accordance with Federal and Provincial regulation. A Medical Marijuana Facility shall not be permitted in a dwelling or dwelling unit.

MUNICIPALITY:	County of Newell
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW:	Rural Business (Discretionary Use), Rural Industrial (Discretionary Use)

DEFINITIONS:

LICENSED MEDICAL MARIJUANA PRODUCTION FACILITY means the use of land, buildings or structures for the purpose of growing, processing, packaging, testing, destroying, storing and/ or shipping of marihuana for medical purposes as authorized by a licensed issued under the Federal Government’s Marihuana for Medical Purposes Regulations (MMPR) or any subsequent legislation which may be enacted.

² Bylaw Information as they relate to medical cannabis production.

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MUNICIPALITY:	County of Vermilion River
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW	Highway Development District (Discretionary Use), Business District (Discretionary Use), Commercial District (Discretionary Use)

DEFINITIONS:

CANNABIS (Marijuana) means its preparations and derivatives, which are a Schedule II drug under the Controlled Drug and Substances Act, and, unless otherwise regulated for production and distribution for medical purposes, is subject to offences under that Act. Storefront operations selling Cannabis, commonly known as “dispensaries” and “compassion clubs” are not licensed by Health Canada under the current law and are illegal.

LICENSED CANNABIS FOR MEDICAL PURPOSES PRODUCTION FACILITY means the Use of land, Buildings, or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import marijuana for medical purposes, including related research, under the Access to Cannabis for Medical Purposes Regulations (SOR/2016-230), as amended, or any subsequent legislation that may be enacted in substitution.

LICENSED CANNABIS FOR MEDICAL PURPOSES PRODUCTION FACILITY PREMISES means a location registered under the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, (Canada) or as amended, as a Licensed Cannabis for Medical Purposes Production Facility; and includes all areas of the Site that are used in the business operated at the Site, including offices, kitchens, washrooms, storerooms, and including all public and private areas where individuals are permitted to be present. Premises also shall include the Parking Areas and the landscaped areas located outside of the Building or Buildings, which accommodate the primary activities of the Licensed Cannabis for Medical Purposes Production Facility.

MUNICIPALITY:	County of Warner
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW	Extensive Agriculture (Discretionary Use)

DEFINITIONS:

Medical Marihuana means a substance used for medical and pharmaceutical purposes authorized by a license issued under the federal government and in accordance with the Government of Canada’s Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution.

Medical Marihuana Production Facility means a building or use where medical marihuana is grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all federal requirements and that meets all requirements of this bylaw, as amended from time to time.

MUNICIPALITY:	County of Wetaskiwin
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW	Urban Industrial District (Discretionary Use), Industrial District (Discretionary Use)

DEFINITIONS:

Medical Cannabis Production Facility means a federally-licensed facility used for the cultivation, processing, testing, destruction, packaging or shipping of cannabis used for medical purposes as permitted under the federal government’s Marihuana for Medical Purposes Regulations or any subsequent legislation which may be enacted in substitution thereof.

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MUNICIPALITY:	Kneehill County
CONTACT INFO:	Barb Hazelton, Manager, Planning and Development Barb.Hazelton@kneehillcounty.com
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW:	Industrial District (Discretionary Use)

DEFINITIONS:

Medical Marijuana Production Facilities means secured facilities licensed and regulated by Health Canada for the production and wholesale distribution of medical marijuana.

MUNICIPALITY:	Lac La Biche County
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW	Heavy Industrial District (Discretionary Use)

DEFINITIONS:

MEDICAL MARIJUANA means a substance used for medical purposes authorized by a licence issued under federal legislation.

MEDICAL MARIJUANA PRODUCTION FACILITY means a use where medical marijuana is cultivated, processed, packaged, tested, destroyed, stored or loaded for shipping; where a licence for all activities associated with a medical marijuana production is issued by Health Canada.

MUNICIPALITY:	Lac St. Anne County
CONTACT INFO:	Matthew Ferris, Manager of Planning and Development mferris@lsac.ca
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW:	Industrial District (Discretionary Use)

DEFINITIONS:

Medicinal Marijuana Production means the use of land, buildings, or structures for cultivating, processing, testing, destruction, packaging, and shipping of marijuana used for medical purposes as permitted and licenced by Health Canada.

MUNICIPALITY:	Lethbridge County
DISTRICT AND CLASSIFICATION OF LAND USE BYLAW	Rural General Industrial (Discretionary Use)

DEFINITIONS:

Medical Marihuana means a substance used for medical and pharmaceutical purposes authorized by a license issued under the federal government and in accordance with the Government of Canada's Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution. Medical Marihuana Production Facility means a building or use where medical marihuana is grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all federal requirements and that meets all requirements of this bylaw, as amended from time to time.

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MUNICIPALITY: MD of Bonnyville

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW Agriculture District (Discretionary Use), Rural Commercial District (Discretionary Use), Rural Industrial District (Discretionary Use)

DEFINITIONS:

MEDICAL MARIJUANA means a substance used for medical purposes authorized by a licence issued under federal legislation.

MEDICAL MARIJUANA PRODUCTION FACILITY means a use where medical marijuana is cultivated, processed, packaged, tested, destroyed, stored or loaded for shipping; where a licence for all activities associated with a medical marijuana production is issued by Health Canada.

MUNICIPALITY: MD of Foothills

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW Direct Control District #2 (Discretionary Use)

DEFINITIONS:

MARIJUANA (CANNABIS) PRODUCTION FACILITY means the use of land, buildings or structure for the purposes of growing, producing, processing, labeling and packaging, testing, destroying, storing, or transporting marijuana or cannabis oil under authorization by license pursuant to the Cannabis, for Medical Purposes Regulations, SOR/2016-230, and an Act to Control and Regulate Cannabis, or any successor or replacement legislation or regulation which may be enacted in substitution thereof. More information on marijuana (cannabis) production facilities can be found in Section 10.15 of this Bylaw.

MUNICIPALITY: MD of Greenview

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW Agricultural One (Permitted Use – “Medical Marijuana Cultivation”), Institutional District (Permitted Use – “Medical Marijuana Dispensary”), Hamlet Commercial District (Permitted Use – “Medical Marijuana Dispensary”), Industrial District (Discretionary Use – “Medical Marijuana Processing”)

DEFINITIONS:

MEDICAL MARIJUANA CULTIVATION means a facility for the producing and destroying of medical marijuana and must be licensed under the Health Canada Marijuana for Medical Purposes Regulations. **MEDICAL**

MARIJUANA DISPENSARY means a facility for the selling, providing, shipping, delivering, and destroying of medical marijuana and must be licensed under the Health Canada Marijuana for Medical Purposes Regulations. **MEDICAL MARIJUANA PROCESSING** means a facility for the processing, testing, shipping, and destroying of

medical marijuana and must be licensed under the Health Canada Marijuana for Medical Purposes Regulations.

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MUNICIPALITY: MD of Ranchland

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW

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DEFINITIONS:

Medical marihuana means a substance, including cannabis, used for medical purposes authorized by a licence issued under the federal government’s Marihuana for Medical Purposes Regulations (MMPR) SOR/2013-119 and amendments thereto or substitutions therefore as enacted pursuant to the Controlled Drugs and Substances Act, S.C. 1996, c.19 and amendments thereto or substitutions therefore.

Medical marihuana production facility means the indoor development and production of medical marihuana which includes, but is not limited to, the growing, processing, packaging, testing, destruction, storing or loading for shipping of this product under the federal government’s regulation operated by a licenced producer pursuant to the MMPR.

Medicinal health inputs means the principal or accessory uses which are intended to facilitate the production of legalized medical substances that are administered by an authorized system for the wellbeing of humans, plants or animals. Such uses include, but are not limited to, the sowing, cultivation, harvest, refining, processing, distribution, advertising, transportation and/or storage of these substances for prescribed health purposes operated by a licenced producer pursuant to the MMPR.

Points of sale means the lawful retail sale of the authorized production of medical marihuana, cannabis and/or medicinal health inputs within the Municipal District of Ranchland No. 66.

MUNICIPALITY: MD of Willow Creek

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW

Rural Commercial (Discretionary Use)

DEFINITIONS:

Medical marihuana means a substance used for medical purposes authorized by a licence issued under the federal government’s Marihuana for Medical Purposes Regulations (MMPR) or any subsequent legislation which may be enacted in substitution.

Medical marihuana production facility means development where medical marihuana is grown, processed, packaged, tested, destroyed, stored or loaded for shipping.

MUNICIPALITY: Rocky View County

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW

General Business District (Discretionary Use), Industrial – Industrial Activity (Discretionary Use)

DEFINITIONS:

LICENSED MEDICAL MARIJUANA PRODUCTION FACILITY means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging, and shipping of marijuana used for medical purposes as permitted and licensed by Canada.

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MUNICIPALITY: **Starland County**

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW Agriculture Intensive District (Discretionary)

DEFINITIONS:

Medical Marihuana Production Facility means the use of land or structures for the purpose of growing, processing, packaging, testing, destroying, storing and / or shipping of marijuana used for medical purposes as authorized by a license issued under the Federal Government *Marihuana for Medical Purposes Regulation*, SOR 2013-119, (MMPR) or any subsequent legislation which may be enacted in substitution.

MUNICIPALITY: **Sturgeon County**

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW Medium Industrial Unserviced District (Permitted Use), Medium Industrial Serviced District (Permitted Use), Heavy Industrial District (Permitted Use)

DEFINITIONS:

Medical marijuana production facility means a use where a federally licensed facility is used for cultivation, processing, testing, destruction, packaging or shipping of marijuana used for medical purposes as permitted under the Federal Government’s regulations or any subsequent legislation which may be enacted in substitution.

MUNICIPALITY: **Vulcan County**

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW Direct Control District

DEFINITIONS:

MEDICAL MARIHUANA means a substance used for medical purposes authorized by a licence issued under the federal government’s *Marihuana for Medical Purposes Regulations*(MMPR) or any subsequent legislation which may be enacted in substitution.

MEDICAL MARIHUANA PRODUCTION FACILITY means development where medical marihuana is grown, processed, packaged, tested, destroyed, stored or loaded for shipping. A Medical Marihuana Production Facility may only be located on lands designated Direct Control (DC).

MUNICIPALITY: **Wheatland County**

CONTACT INFO: Semra Kalkan, Intermediate Planner
semra.kalkan@wheatlandcounty.ca

DISTRICT AND CLASSIFICATION OF LAND USE BYLAW: Industrial General District (Discretionary Use); Intensive Industrial District (Discretionary Use)

DEFINITIONS:

Medical Marihuana Production Facility means the use of land, buildings or structures for purposes of growing, producing, processing, labelling and packaging, testing, destroying, storing or transporting marihuana under authorization by license pursuant to the *Medical Marihuana Production Regulations*. SOR/2013-119, or any successor or replacement legislation or regulation which may be enacted in substitution thereof. Retail Establishment means a development used for the retail sale of consumer goods, from within an enclosed building, except for the sale of liquor and medical marihuana.