



WEST HANTS
NOVA SCOTIA

MUNICIPALITY OF THE DISTRICT OF WEST HANTS

Public Hearing

November 13, 2018

Micro-Cultivation and Micro-Processing of Cannabis Land Use By-law Text Amendments

Present:	P. Morton	Deputy Warden
	R. Jannasch	Councillor District 1
	K. Monroe	Councillor District 2
	D. Keith	Councillor District 3
	T. Leopold	Councillor District 4
	D. Francis	Councillor District 5
	R. Hussey	Councillor District 6
	J. Daniels	Councillor District 7
	R. Zwicker	Councillor District 10
	M. Laycock	Chief Administrative Officer
	M. LeMay	Director of Planning and Development
	S. Poirier	Municipal Planner
	S. Shah	Municipal Planner
	T. Babineau	Planning Technician
	C. Lowe	Director of Finance
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator
Regrets:	A. Zebian	Warden

There were 15 members of the public in attendance.

Deputy Warden Morton advised that the Public Hearing is required by Part 8 of the *Municipal Government Act* when changes are proposed to Council's Planning Documents or when Council intends to enter into or amend a development agreement. He went on to say that Public Hearings are held before Council and provide members of the public the opportunity to hear the proposal, bring up any concerns and ask the applicant and planning staff questions regarding the proposal. When the Public Hearing is complete, the Council meeting will resume, and members of Council may then ask questions and make comments.

He called on Municipal Planner Saira Shah to review the amendments. The Planner reviewed the presentation (attached).

The Municipal Planner stated that the Planning and Development Department had not received any comments regarding the changes. She noted that there were several comments on the Municipal Facebook page that were primarily in support of the amendments.

Deputy Warden Morton asked if there were any questions or comments from the public; there were none. He asked if the Planner had any closing comments. She had none.

Deputy Warden Morton declared the Public Hearing adjourned at 7:42 p.m.

Paul Morton, Deputy Warden

Rhonda Brown, Municipal Clerk



WEST HANTS
NOVA SCOTIA

Micro-Cultivation and Micro-Processing of Cannabis

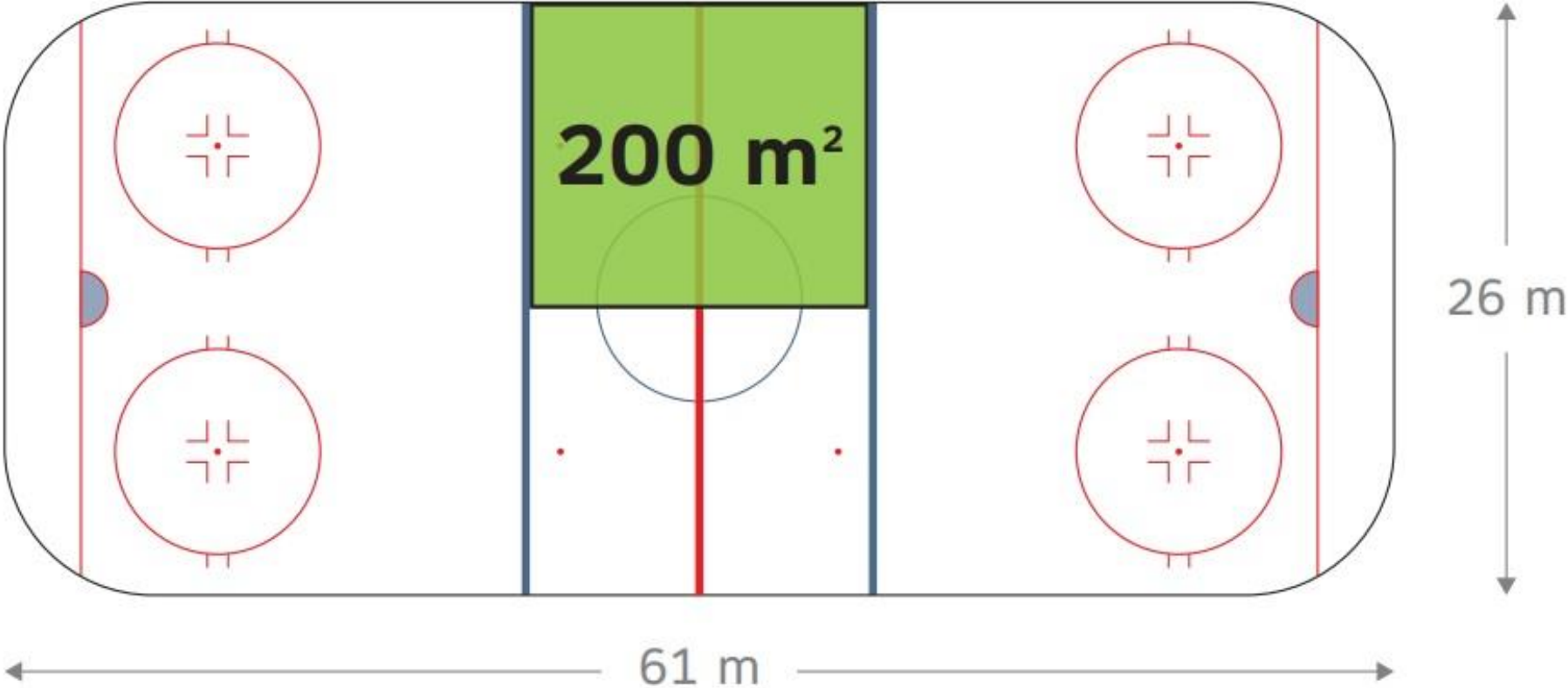
November 13, 2018

Background

- ▶ Mr. Kehoe has applied for an amendment to permit Licensed Micro-Cultivation of cannabis on his property
- ▶ Licensed Micro-Cultivation authorizes the cultivation of a cannabis plant canopy area of no more than 200 square metres (approximately 2,150 square feet)
- ▶ This use became legal as of October 17, 2018

Background

Figure 1: Size of a 200 square metre plant canopy area relative to a standard North-American sized hockey rink



Background

- ▶ Micro-Processing of cannabis is another type of license that can be combined with a Micro-Cultivation license on the same site.
- ▶ Although Mr. Kehoe specifically requested Micro-Cultivation, residents that start cultivation businesses also may want to process cannabis on their site.

Discussion

- ▶ Mr. Kehoe owns a property in the Agricultural designation and the Agricultural Priority Two (AR-2) zone
- ▶ In West Hants, legal medical cannabis production is considered an industrial use due to the high security and industrial nature of the production process

Discussion

- ▶ Licensed Micro-Cultivation is of a much smaller scale and does not require the same intense security measures as standard-sized cannabis production
- ▶ It can take place indoors and outdoors
- ▶ A physical barrier is required around the growing and storage area by Health Canada

Discussion

- ▶ Micro-Cultivation license holders are not required to:
 - ▶ keep a record of entry and exits to the site;
 - ▶ install visual monitoring and recording devices; and
 - ▶ maintain an alarm system.
- ▶ All individuals who apply for a license for Micro-Cultivation must inform the Municipality as per Health Canada requirements.

Discussion

- ▶ Staff considered various options to amended West Hants planning documents to permit Micro-Cultivation of cannabis
 - ▶ add to the Agricultural Priority 2 (AR-2) zone
 - ▶ add to all of the Agricultural zones (P/Ag, AR-2 and AR-3)
 - ▶ add to the Agricultural designation
 - ▶ add to Agricultural Use definition
 - ▶ add as an accessory use to Agricultural Uses

Discussion

- ▶ The West Hants Land Use By-law (LUB) contains a definition for Agricultural Use and Agricultural Support Use
- ▶ An Agricultural Use is a use of land, buildings or structures to produce crops or livestock
- ▶ An Agricultural Support Use is a use of buildings or structures for agricultural warehousing and processing to create agricultural products on a farm property

Discussion

- ▶ The Planning Advisory Committee (PAC) recommended a text amendment permitting Micro-Cultivation of cannabis as an Agricultural Use which would be permitted in the:
 - ▶ Prime Agricultural (P/Ag);
 - ▶ Agricultural Priority Two (AR-2);
 - ▶ Agricultural Priority Three (AR-3);
 - ▶ General Resource (GR); and
 - ▶ Mineral Resource (MR) zones.

Discussion

- ▶ Agricultural Uses are permitted in the Water Supply (W) zone
- ▶ PAC recommended not permitting Micro-Cultivation of cannabis in this zone due to concerns related to potential contamination of the water supply

Text Amendment

24.0 WATER SUPPLY (W)

Permitted Uses

24.1 The following uses shall be permitted in the Water Supply (W) zone:

- ▶ Agricultural uses excluding dwellings, the keeping of livestock, **Licensed Micro-Cultivation of cannabis** and greenhouse operations

Text Amendment

- ▶ **Agricultural Use** means the use of land, buildings or structures for the production of crops or livestock, or both, for gain or reward which may include, but is not necessarily limited to:
 - ▶ (a) the growing and harvesting of crops such as vegetables, fruits, field crops, berries, trees, maple syrup, mushrooms, flowers and landscaping materials and may include:
 - ▶ (i) the erection and use of greenhouses, nurseries, **Licensed Micro-Cultivation of cannabis facilities**, wineries, microbreweries producing not more than 200,000 litres of beer in a calendar year, and restaurants accessory to wineries and microbreweries;

Discussion

- ▶ The Micro-Processing license permits the production of a maximum of 600kg of dried cannabis in one (1) calendar year
- ▶ The Micro-Processing license requires the same security requirements as Micro-Cultivation

Discussion

- ▶ Agricultural support uses are permitted in the:
 - ▶ Agricultural Priority Two (AR-2);
 - ▶ Agricultural Priority Three (AR-3);
 - ▶ General Resource (GR);and
 - ▶ Mineral Resource (MR) zones.

Discussion

- ▶ New Agricultural Support Uses are not permitted on properties zoned Agricultural Priority Three (AR-3) in a Growth Centre, Village or Hamlet designation
- ▶ In the MPS, Policy 5.9.1, 6.8.1 and 7.4.1 state Agricultural Support Uses could create land use conflicts which could limit development
- ▶ Agricultural Support Uses are not permitted in the Prime Agricultural (P/Ag) zone
- ▶ There is no specific policy in the MPS to clarify why those uses are not permitted for the P/Ag zone

Text Amendment

- ▶ PAC recommended a text amendment permitting Micro-Processing of cannabis as an Agricultural Support Use
- ▶ **Agricultural Support Use** means a building or structure tied to the farm operation and located on the farm property and may include abattoirs, agricultural warehousing, processing, **Licensed Micro-Processing of cannabis**, sorting, grading, packaging, and transport facilities;

General Criteria

- ▶ Policy 16.3.1 of the MPS states general criteria for any LUB amendment considered in West Hants
- ▶ In summary:
 - ▶ the proposal is not premature or inappropriate for the area; and
 - ▶ the Senior Municipal Building Official has no concerns.

Municipal, Provincial and Federal Regulations

- ▶ Hants County Federation of Agriculture
 - ▶ Can the Municipality regulate an agricultural crop?
- ▶ Nova Scotia Farm Practices Act

13 Nothing in this Act affects the ability of a municipality to apply a municipal planning strategy or land-use by-law to farm land

Municipal, Provincial and Federal Regulations

- ▶ Health Canada's Perspective
 - ▶ Municipal Governments can create regulations, such as zoning, that permit cannabis land uses
 - ▶ The Federal government expects that an applicant will follow all provincial and municipal regulations
 - ▶ All individuals who apply for a cannabis production license must inform the Municipality as per Health Canada requirements

Municipal, Provincial and Federal Regulations

- ▶ There is no opportunity for West Hants to formally state if an applicant meets Municipal regulations during the Health Canada application process
- ▶ If the applicant receives their license from Health Canada and does not meet Municipal regulations, the Development Officer would follow the usual procedure for addressing a use that is not permitted in that zone
- ▶ The development officer can contact RCMP to have the applicant's Health Canada license revoked

Municipal, Provincial and Federal Regulations

- ▶ City of Hamilton, Ontario passed a motion on September 4, 2018
- ▶ The mayor will write a letter to Health Canada and request that Health Canada seek the City of Hamilton's approval for the location of any potential licensed producers of medical cannabis prior to issuing the licence
- ▶ West Hants can write a similar letter to Health Canada

Process

Notices were placed in the local paper

All statutory requirements have been met

No phone calls or emails were received. Nine (9) Facebook comments

Most in favor of the amendment





WEST HANTS
NOVA SCOTIA

Recommendation

Should Council wish to proceed following the Public Hearing, the following motion would be in order:

that Council gives Second Reading to and approves the amendments to the West Hants Land Use By-law to enable Licensed Micro-Cultivation as an Agricultural Use and Micro-Processing as an Agricultural support use, as attached to the planning staff report dated September 20, 2018 as Appendix A.