

BYLAW 1436/19
AMENDMENT TO THE LAND USE BYLAW 1385/17
STURGEON COUNTY, ALBERTA

BYLAW 1436/19 BEING A BYLAW OF STURGEON COUNTY, ALBERTA FOR THE PURPOSE OF AMENDING THE LAND USE BYLAW 1385/17.

WHEREAS, the *Municipal Government Act*, RSA 2000 c.M-26, any regulations thereunder, and any amendments or successor legislation thereto, authorize Council to establish and amend the Land Use Bylaw 1385/17.

AND WHEREAS, the Council of Sturgeon has deemed it desirable to amend the Land Use Bylaw 1385/17.

NOW THEREFORE BE IT RESOLVED, that the Council of Sturgeon County, duly assembled, hereby enacts as follows:

1. That Land Use Bylaw 1385/17 be amended as follows:

- a) Add the following to Section 1.6 – Terminology in accordance with the alphabetical order of the list and renumber accordingly:
 - i. *“Industrial Hemp means a crop of a cannabis plant or any part of that plant in which the concentration of tetrahydrocannabinol (THC) is 0.3% or less in the flowering heads or leaves. Industrial hemp is not a type of Cannabis as defined in this Bylaw.”*
- b) Add the following to Part 18 – Definitions of Use in accordance with the alphabetical order of the list and renumber accordingly:
 - ii. *Cannabis Consumption Venue* means a development, or any part thereof, licensed to sell Cannabis to the public for consumption within the premises.
 - iii. *Cannabis Production & Distribution, Standard* means *Cannabis Production & Distribution* as defined herein, and is either:
 - a) In the case of a production facility, a cultivation area with a plant canopy area of greater than 200m², or as otherwise defined by the Cannabis Regulations SOR/2018-144, as amended or replaced.
 - b) In the case of a processing & distribution facility, has an annual processing amount of greater than 600 kilograms, or as otherwise defined by the Cannabis Regulations SOR/2018-144, as amended or replaced.
 - iv. *Cannabis Production & Distribution, Micro* means *Cannabis Production & Distribution* as defined herein, and is either:
 - a) In the case of a production facility, a cultivation area with a plant canopy area of less than 200m², or as otherwise defined by the Cannabis Regulations SOR/2018-144, as amended or replaced.
 - b) In the case of a processing & distribution facility, has an annual processing amount of less than 600 kilograms, or as otherwise defined by the Cannabis Regulations SOR/2018-144, as amended or replaced.

- c) This use also includes a Cannabis Nursery, as defined by the Cannabis Regulations SOR/2018-144, as amended or replaced.

c) Delete the following:

- i. *“Bed and breakfast means an owner-occupied dwelling where four or fewer guest rooms are rented for periods of fourteen days or less, with one meal provided on a daily basis to registered guests where such meals are prepared in a residential kitchen.”*
- ii. *“Eating and drinking establishment means an establishment where the primary purpose is the sale of prepared food and beverages to the public for consumption on or off the premises, and may be licensed by the Alberta Liquor and Gaming Commission. Such facilities may include live entertainment.”*
- iii. *“Home-based business means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the permanent residents of the dwelling. This does not include Cannabis Production and Distribution or Cannabis Retail Sales.*
- iv. *“Hotel means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor(s). Hotels may include accessory food and beverage facilities, meeting and convention rooms and retail sales.”*
- v. *“Resort means a commercial development which offers guest and staff accommodation as well as complementary recreational opportunities. The resort may include eating and drinking establishments, concessions and picnic areas.”*
- vi. *“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 as an amendment or in substitution.”*

d) Replace with the following:

- i. *“Bed and breakfast means an owner-occupied dwelling where four or fewer guest rooms are rented for periods of fourteen days or less, with one meal provided on a daily basis to registered guests where such meals are prepared in a residential kitchen. This use does not include a Cannabis Consumption Venue.”*
- ii. *“Eating and drinking establishment means an establishment where the primary purpose is the sale of prepared food and beverages to the public for consumption on or off the premises, and may be licensed by the Alberta Liquor and Gaming Commission. Such facilities may include live entertainment. This use does not include a Cannabis Consumption Venue.”*
- iii. *“Home-based business means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the*

permanent residents of the dwelling. This does not include *Cannabis Production and Distribution* or *Cannabis Retail Sales* or *Cannabis Consumption Venue*.

- iv. “*Hotel* means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor(s). Hotels may include accessory food and beverage facilities, meeting and convention rooms and retail sales. This use does not include a *Cannabis Consumption Venue*.”
- v. “*Resort* means a commercial development which offers guest and staff accommodation as well as complementary recreational opportunities. The resort may include eating and drinking establishments, concessions and picnic areas. This use does not include a *Cannabis Consumption Venue*.”

e) Add the following to PART 2 DEVELOPMENT APPLICATION PROCESS

- i. In Section 2.3.1 under “Development Not Requiring a Development Permit” add the following to the list:

Industrial Hemp

f) Add the following to PART 6 Special Regulations in accordance with the alphabetical order of the list and renumber as indicated below:

- i. “6.3A Cannabis Production & Distribution, Standard
 - .1 The applicant shall obtain and demonstrate compliance with all relevant AGLC and Health Canada regulations, and other relevant provincial and federal regulations, as a condition of development permit approval.
 - .2 *Cannabis production and distribution facilities, standard* shall not be located within 400m of an existing dwelling on an adjacent parcel. Distances shall be measured between closest property lines of the subject parcels.
 - .3 The Development Authority may require additional landscaping in addition to the regulations described in Part 8 of this Bylaw.
 - .4 A noise impact assessment may be required by the Development Authority. If deemed necessary, a mitigation plan for noise impacts may also be required.
 - .5 A Development Permit application for a cannabis production or distribution facility, standard shall include a detailed proposed plan for the development area that includes but is not limited to:
 - (a) Parcel layout;
 - (b) The area and dimensions of the distribution warehouses, including floor plans and building elevations;
 - (c) Security plans;
 - (d) Lighting plans;
 - (e) Location, dimensions, and surfacing of parcel access and egress;
 - (f) Grading plan demonstrating that the proposed use and site design does not interfere with site grading or drainage onto any road or adjacent parcel.

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- .6 The Development Authority may require the applicant hold a public engagement session.
 - (a) The Development Authority may stipulate Sturgeon County's involvement with the public engagement, at their discretion.
 - .7 Any development shall be designed to mitigate all off-site nuisance factors including excessive noise, odour, traffic, dust, and other impacts to the satisfaction of the Development Authority. A mitigation plan shall be provided at the time of development permit application to demonstrate that these nuisance factors have been mitigated.
 - .8 Measures to ensure appropriate security requirements shall be proposed by the applicant, to the satisfaction of the Development Authority. The Development Authority may require changes to the outdoor security plans as proposed.
 - .9 All facilities must be located indoors."
- ii. "6.3B Cannabis Production & Distribution, Micro
- .1 The applicant shall obtain and demonstrate compliance with all relevant AGLC and Health Canada regulations, and other relevant provincial and federal regulations.
 - .2 Cannabis production and distribution facilities, micro shall not be located within 300m of an existing dwelling on an adjacent parcel. Distances shall be measured between closest exterior walls of the subject developments.
 - .3 The Development Authority may require additional landscaping in addition to the regulations described in Part 8 of this Bylaw.
 - .4 A noise impact assessment may be required by the Development Authority. If deemed necessary, a mitigation plan for noise impacts may also be required.
 - .5 A Development Permit application for a cannabis production or distribution facility, micro shall include a detailed proposed plan for the development area that includes but is not limited to:
 - (a) Parcel layout;
 - (b) The area and dimensions of the distribution warehouses, including floor plans and building elevations;
 - (c) Security plans;
 - (d) Lighting plans;
 - (e) Location, dimensions, and surfacing of parcel access and egress;
 - (f) Grading plan demonstrating that the proposed use and site design does not interfere with site grading or drainage onto any road or adjacent parcel.
 - .6 The Development Authority may require the applicant hold a public engagement session.
 - (a) The Development Authority may stipulate Sturgeon County's involvement with the public engagement, at their discretion.
 - .7 Any development shall be designed to mitigate all off-site nuisance factors including excessive noise, odour, traffic, dust, and other impacts to the satisfaction of the Development Authority.
 - .8 Measures to ensure appropriate security requirements shall be proposed by the applicant, to the satisfaction of the Development Authority. The Development Authority may require changes to the outdoor security plans as proposed.
 - .9 All facilities must be located indoors.

- .10 Only one *cannabis production and distribution, micro* development shall be permitted per *parcel*.
- iii. "6.3C Cannabis Retail
- .1 Hours of operation shall be restricted at the discretion of the Development Authority.
- .2 The applicant shall demonstrate how their development meets or exceeds regulations put in place by the Alberta Liquor and Gaming Commission for such a development.
- .3 The applicant shall demonstrate that sufficient lighting is included on the site for security and safety purposes, to the satisfaction of the Development Authority.
- .4 The Development Authority may require landscaping or screening measures to ensure the proposed development is compatible with nearby and adjacent land uses."

g) Add the following to PART 12 PRIMARY INDUSTRY DISTRICTS

- i. In Section 11.1.2 under "AG – Agricultural District" add:

Cannabis Production and Distribution, Micro

As a listed discretionary use in accordance with the alphabetical order of the list and renumber as necessary.

h) Amend the following under PART 14 INDUSTRIAL DISTRICTS:

- i. In section 14.3 under "I3 – Medium Industrial Unserviced District" delete:

Medical Marijuana Production Facility

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- ii. In section 14.3 under "I3 – Medium Industrial Unserviced District" add:

Cannabis Production and Distribution, Standard
Cannabis Production and Distribution, Micro

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- iii. In section 14.3 under "I4 – Medium Industrial Serviced District" delete:

Medical Marijuana Production Facility

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- iv. In section 14.4 under "I4 – Medium Industrial Serviced District" add:

Cannabis Production and Distribution, Standard
Cannabis Production and Distribution, Micro

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- v. In section 14.3 under “I5 – Heavy Industrial District” delete:

Medical Marijuana Production Facility

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- vi. In section 14.5 under “I5 – Heavy Industrial District” add:

Cannabis Production and Distribution, Standard
Cannabis Production and Distribution, Micro

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- i) Add the following to PART 13 – COMMERCIAL DISTRICTS:

- i. In Section 13.1 under “C1 – Highway Commercial District” add:

Retail Sales, Cannabis

As a listed discretionary use in accordance with the alphabetical order of the list and renumber as necessary.

- ii. In section 13.2 under “C2 – Local Commercial District” add:

Retail Sales, Cannabis

As a listed discretionary use in accordance with the alphabetical order of the list and renumber as necessary.

- iii. In section 13.3 under “C3 – Neighbourhood Commercial District” add:

Retail Sales, Cannabis

As a listed discretionary use in accordance with the alphabetical order of the list and renumber as necessary.

- j) Add the following to PART 15 – OTHER DISTRICTS:

- iv. In Section 15.2 under “AP – Airport Support District” add:

Cannabis Production and Distribution, Standard
Cannabis Production and Distribution, Micro

As a listed discretionary use in accordance with the alphabetical order of the list and renumber as necessary.

2. That this Bylaw shall come into force and take effect upon receiving third reading and being signed.

Read a first time this ___ day of _____ 20__.

Read a second time this ___ day of _____ 20__.

Read a third time this ___ day of _____ 20__.

MAYOR

COUNTY COMMISSIONER (CAO)

DATE SIGNED

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.