

## Request for Decision

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| <b>Title</b>                         | <b>Bylaw 1414/18 - Amend Land Use Bylaw 1385/17 (Pure Selections)</b>  |
| <b>Proposed Motion</b>               | <p>1. That Council give second reading to Bylaw 1414/18.</p> <p>2. That Council give third reading to Bylaw 1414/18.</p>   |
| <b>Administrative Recommendation</b> | Administration recommends that Council not support the proposed amendment to the Land Use Bylaw. The Municipal Development Plan directs development of this scale to be located in an industrial park, and the Land Use Bylaw already allows for the proposed activities within the County's industrial parks.   |
| <b>Previous Council Direction</b>    | <p><u>October 23, 2018:</u></p> <p>Motion 311/18: That Council give first reading of Bylaw 1414/18.</p>  |
| <b>Report</b>                        | <p><u>Background Information</u></p> <ul style="list-style-type: none"> <li>On November 27, 2018, Council held a Public Hearing (Councillor Derouin was absent) to provide an opportunity for members of the public to present their comments to Council regarding proposed Bylaw 1414/18. At the meeting there were three (3) submissions against. The main reasons against the proposed amendment are as follows: <ul style="list-style-type: none"> <li>The proposed parcel was created for residential purposes and the proposal is for an industrial activity.</li> <li>Rural crime is already an issue in this part of the County and the proposed development type may attract additional crime.</li> <li>The proposed development may create nuisances, such as noise, odors, and disruptive lighting.</li> <li>The proposed development may have negative impacts on property values.</li> <li>This may set a precedent for industrial development to locate to this area of the County.</li> </ul> </li> <li>At the Public Hearing there was also a question raised about what Municipal Development Plan (MDP) Non-Residential Type the proposed development should be classified as. Administration advised that based on the MDP Figure 7 (Attachment 4 to Request for Decision) it could be classified as a Type 2, since it is a development</li> </ul> |

that would be suitable for an industrial park, and it may not be complementary to residential uses. According to the MDP, Type 3 Non-Residential uses shall complement residential uses.

- Input from the Public Hearing indicates that some of the surrounding landowners are of the opinion that the proposed use is not appropriate in this area and near residences.
- In September 2015, Pure Selections sent a letter to the Mayor, advising that they were in the process of obtaining a Health Canada License to become a producer (i.e. growing). It should be noted that the legal description that the applicant provided the County at that time was for a different property.
- In September 2016, Pure Selections sent another letter to the County requesting the County make a special circumstance to allow them to proceed in the Agricultural District due to the resources they already expended going through Health Canada's approval process.
- In September 2016, Administration brought this item to an Informal Briefing to Council and at that time they advised Administration to look at medical cannabis as part of the Land Use Bylaw rewrite.
- On July 10, 2017, Council approved a Land Use Bylaw (effective date September 8, 2017) that allows for *Medical Marijuana Production Facility* in the County's Medium and Heavy Industrial Districts.
  - *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.
- On October 10, 2017, Putnam & Lawson on behalf of Pure Selections applied to amend the Land Use Bylaw to rezone Lot 1; Blk2; Plan 0626750 to a new Direct Control District. In this submission, they advised that they will no longer be producing (growing) onsite and that they will only be processing and distributing and operating a sales centre (no onsite sales).
- On January 9, 2018, Pure Selections made a presentation to Council regarding the proposed amendment and gave an overview of their proposed business.
  - Most of the comments and concerns raised were related to security and traffic impacts.
- Throughout February to April 2018, Administration worked with the Pure Selections to draft a new Direct Control District.

- On March 13, 2018, Council directed Administration to initiate the process to amend the Land Use Bylaw to add definitions in anticipation of the legalization of recreational cannabis. Administration recommended to Council to take a two-step approach.
  1. Add new definitions that define various cannabis activities and amend some of the existing definitions to exclude cannabis activities. The new definitions were sourced from three main areas: the AUMA Brownlee report, the *Cannabis Act* and the City of Edmonton.
  2. Consult with the public on where these new uses should go, and what LUB regulations should be put into place to regulate them.
- In April 2018, Administration advised Pure Selections on the work and public engagement that the County was undertaking with regards to cannabis. Administration also advised that it might be in their interest to hold off on their application to see if the County's changes to the Land Use Bylaw with respect to cannabis would benefit them or not.
- Direct Control districts are not intended to be used in substitution for any other land use district in the Land Use Bylaw that could be used to achieve the same result. A "*Medical Marijuana Production Facility*" is currently allowed in three of the County's Industrial Districts, and this use includes packaging and shipping.
  - "*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.*"

#### External Communication

- Landowners within 800 m of the subject lands were notified by mail of the hearing. In addition, newspaper ads were placed for two consecutive weeks in the *Free Press*, as required by the *Municipal Government Act*.

#### Relevant Policy/Legislation/Practices:

- The *Municipal Government Act*, RSA 2000 c.M-26 (MGA) and amendments thereto authorizes Council to establish and amend Bylaws.
- Provision 692 of the MGA requires that a municipality hold a public hearing prior to giving second reading to a proposed bylaw.
- Section 641 of the *Municipal Government Act* provides direction on how a municipality can establish a Direct Control District in order to exercise control over the use and development of land or buildings on a designated site within the municipality.

- Direct Controls can either define an approval authority as Council or an administrative development authority defined by the municipality.

#### Municipal Development Plan 1313/13

- Since no Local Planning Document (i.e. Area Structure Plan (ASP)) exists for the subject lands, the County's Municipal Development Plan (MDP) provides overarching land use policy direction for the area. Some of the relevant MDP policies are listed below for reference.

- 1.1 Implementing Strategic Decision Making

1.1.1 Shall apply the objectives of the Integrated Regional Growth Strategy (IRGS) as a way to evaluate proposed developments and ensure that targeted growth areas for Residential, Non-Residential, and Primary Industry development are supported. Proposed amendments shall demonstrate achievement of the IRGS objectives through application of Municipal Development Plan (MDP) Community Guiding Principles and distinctive Neighbourhood Roles (see Figure 4 – Regional Concept Map p.25).

*IRGS objectives include locating types and scales of development based on both regional and local considerations and opportunities, as well as to promote and facilitate growth of strategic Development Parks that increase long-term viability of key County industries. The IRGS map, on page 25 of the MDP, does not identify this area as a Non-residential Type 1 or 2.*

- 5.2 Promoting an Integrated Economy

5.2.1 Shall promote the growth and expansion of value-added agriculture, manufacturing, advanced energy, transportation and logistics, where the associated development is strategically located and supportive of the Integrated Regional Growth Strategy (IRGS).

*The IRGS does not identify this area of the County as a strategic location for non-residential growth.*

- 5.4 Implementing Responsible Non-Residential Subdivision and Development Practices

5.4.1 Shall limit premature subdivision and development of lands for Non-Residential purposes by directing new development to existing lands identified for the proposed activity. If, based on the findings of a Needs Assessment and a Fiscal Impact Assessment, a demonstrated need is provided (that does not negatively impact Sturgeon County's fiscal capacity), priority shall be given to land contiguous to an existing development park, unless a significant demonstrated constraint is identified and agreed upon by Sturgeon County.

*The proposed development is one that is currently allowed within the County's Medium and Heavy Industrial Districts.*

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|   | <p>5.4.4 Shall require a Local Planning Document for Non-Residential subdivision and development proposals on Greenfield Lands, where the proposed development is not contained or does not conform to a Regional Planning Document or the Land Use Bylaw.</p> <p><i>There is no existing Local Planning Document for this area of the County, nor is one being proposed at this time and the proposed amendment and subsequent development does not align with the Regional Planning Document (MDP) or the Land Use Bylaw.</i></p> <ul style="list-style-type: none"> <li>○ B4 Economic Health Output Actions <ul style="list-style-type: none"> <li>B4.e) Requiring proposed or expanding development that exceeds Non-Residential Type 4, to relocate to identified Non-Residential centres in the County (such as Riviere Qui Barre). HBBs, where the Non-Residential type and scale conflicts with residential uses, are to relocate to an existing Non-Residential Development Park or to an appropriate location identified in an approved Planning Document.</li> <li><i>The proposed development exceeds Non-residential Type 4.</i></li> </ul> </li> </ul> |
| <b>Implication of Administrative Recommendation</b> | <p><u>Strategic Alignment:</u></p> <ul style="list-style-type: none"> <li>● <b>Planned Growth</b> – The proposed activities are industrial in nature and are better suited to be located to an industrial park. Direct Control Districts are not intended to be used in substitution for any other land use district in the Land Use Bylaw that could be used to achieve the same result.</li> <li>● <b>Efficient and effective leadership and management</b> – Citizens are engaged as active participants in municipal governance; representing the broader community.</li> </ul> <p><u>Organizational:</u></p> <ul style="list-style-type: none"> <li>● The MDP directs non-residential development that exceeds a Type 4 to an industrial park. The recommendation to not support this amendment aligns with the direction of this part of the MDP.</li> </ul>   |
| <b>Alternatives Considered</b>                      | That Council grants second reading to Bylaw 1414/18.   |
| <b>Implications of Alternatives</b>                 | <p><u>Strategic Alignment:</u></p> <p>The proposed amendment does not align with the Economic Health Output for Neighborhood B, which the subject property is located within. MDP Output B.4.(e) states that non-residential development that exceeds a Type 4 (i.e. Home-Based Business) are to locate to either a Hamlet or Industrial Park.</p>   |

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|                            | <p><u>Organizational:</u></p> <p>Supporting industrial activities outside of industrial parks takes development opportunities away from existing industrial parks and impacts their future viability.</p>   |
| <b>Follow up Action</b>    | 1. As directed by Council.  |
| <b>Attachment(s)</b>       | <ol style="list-style-type: none"> <li>1. Bylaw 1414/18 (Attachment 1)</li> <li>2. Bylaw 1414/18 – Schedule “A” (Attachment 2)</li> <li>3. Location Map (Attachment 3)</li> <li>4. MDP Figure 7: Examples of Non-Residential Types (Attachment 4)</li> <li>5. Applicant Response to Public Hearing (Attachment 5)</li> </ol>  |
| <b>Report Reviewed by:</b> | <p> <br/> Colin Krywiak, Manager Current Planning &amp; Development </p> <p> <br/> Collin Steffes, General Manager of Integrated Growth </p> <p> <br/> Reegan McCullough, County Commissioner – CAO </p> |

## Strategic Alignment Checklist

**Vision:** Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.

**Mission:** Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.

| Focus Areas   | Not consistent                      | N/A                                 | Consistent                          |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| <b>Planned Growth and Prosperity</b>  |                                     |                                     |                                     |
| <i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment.<br/>(Strategic Plan and MDP pg. 36)</i>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Supports a strong thriving business environment to strengthen our economic foundation</li> </ul>   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> <li>Plans for responsible growth through the MDP and regional growth plan.</li> </ul>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Manages growth for current and future developments through:                             <ul style="list-style-type: none"> <li>transparent bylaws, policies and processes to enable responsible land development</li> <li>targeting growth around existing and identified future growth areas</li> </ul> </li> </ul> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>Maintain and Enhance Strong Communities</b>  |                                     |                                     |                                     |
| <i>We are committed to a safe and viable community, where our residents are provided with access to opportunities and quality of life.<br/>(Strategic Plan and pg. 27 MDP)</i>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Provides access to programs and services that have a positive impact on residents' quality of life</li> </ul>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Provides access to safe and reliable infrastructure assets</li> </ul>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Supports the safety of people and property</li> </ul>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>Strong Local and Regional Governance</b>   |                                     |                                     |                                     |
| <i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan and pg. 27 MDP)</i>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Provides effective leadership and management consistent with Strategic Plan, MDP, master plans, bylaws, policies, community engagement</li> </ul>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Considers fiscal stability and sustainability</li> </ul>   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Fosters collaborative intergovernmental partnerships</li> </ul>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>Community Identity &amp; Spirit</b>  |                                     |                                     |                                     |
| <i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan and MDP pg. 27)</i>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Promotes and/or enhances residents' identification with Sturgeon County</li> </ul>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Support and/or collaborate with voluntary organizations in the region</li> </ul>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>Environmental Stewardship</b>  |                                     |                                     |                                     |
| <i>We foster a healthy environment and minimize our impact on ecosystems.<br/>(Strategic Plan and MDP pg. 27)</i>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Plans and partnerships that minimize environmental impact on natural areas</li> </ul>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <ul style="list-style-type: none"> <li>Provides awareness of environmental issues impacting the County</li> </ul>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |