

Parkland County
Province of Alberta

BYLAW 2019-01

BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF AMENDING
LAND USE BYLAW 2017-18 RELATED TO CANNABIS LAND USE REGULATIONS

WHEREAS the Council of Parkland County passed a Bylaw pursuant to Part 17, Section 630 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, known as the Parkland County Land Use Bylaw 2017-18 for the purpose of regulating and controlling the use and development of land and buildings within Parkland County;

WHEREAS and pursuant to Part 17, Section 692 of the *Municipal Government Act* the Council of a municipality is authorized to amend a Land Use Bylaw; and

WHEREAS Section 692 of the *Municipal Government Act* requires the Council of a municipality to hold a public hearing and advertise such a Bylaw in accordance with Section 230 and Section 606 of the *Municipal Government Act*, respectively.

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts the following:

BYLAW 2019-01 AMENDMENTS:

1. That Bylaw 2017-18, being the Land Use Bylaw, is amended as follows:
 - (1) Removing CANNABIS PRODUCTION FACILITY from Table 3.4-1.
 - (2) Adding CANNABIS CULTIVATION, MAJOR as a Discretionary Use within the AGG, AGI, BI, RE and RIC Land Use Districts in Table 3.4-1.
 - (3) Adding CANNABIS CULTIVATION, MAJOR as a Permitted Use within the BIR and MI Land Use Districts in Table 3.4-1.
 - (4) Adding CANNABIS CULTIVATION, MINOR as a Permitted Use within the AGG Land Use District in Table 3.4-1.
 - (5) Adding CANNABIS CULTIVATION, MINOR as a Discretionary Use within AGI, ANC, CR, BI, MI and RIC Land Use Districts in Table 3.4-1.
 - (6) Adding CANNABIS PROCESSING, MAJOR as a Discretionary Use within the AGI, BI, RE and RIC Land Use Districts in Table 3.4-1.
 - (7) Adding CANNABIS PROCESSING, MAJOR as a Permitted Use within the BIR and MI Land Use Districts in Table 3.4-1.
 - (8) Adding CANNABIS PROCESSING, MINOR as a Discretionary Use within the AGI, BI, BIR, MI, RE, and RIC Land Use Districts Table 3.4-1.

- (9) Adding CANNABIS RETAIL SALES as a Discretionary Use within the RC, HC, LC, BI and MI Land Use Districts in Table 3.4-1.
- (10) Adding CANNABIS RETAIL SALES Use classification as a Discretionary Use within the Subsections of the following Use Tables:
 - a) Section 5.11. RC – Rural Centre District, Subsection 2;
 - b) Section 6.1. HC – Highway Commercial District, Subsection 2;
 - c) Section 6.2. LC – Local Commercial District, Subsection 2;
 - d) Section 7.1. BI – Business Industrial District, Subsection 2; and,
 - e) Section 7.3. MI – Medium Industrial District, Subsection 2.
- (11) Adding CANNABIS CULTIVATION, MAJOR Use classification as a Discretionary Use within the Subsections of the following Use Tables:
 - a) Section 4.1. AGG – Agricultural General District, Subsection 2;
 - b) Section 4.2. AGI – Agricultural Industry Development District, Subsection 2;
 - c) Section 7.1. BI – Business Industrial District, Subsection 2;
 - d) Section 7.6. RE – Resource Extraction District, Subsection 2; and,
 - e) Section 7.7. RIC – Rural Industrial / Commercial District, Subsection 2.
- (12) Adding CANNABIS CULTIVATION, MAJOR Use classification as a Permitted Use within the Subsections of the following Use Tables:
 - a) Section 7.2. BIR – Regional Business Industrial District, Subsection 2; and,
 - b) Section 7.3. MI – Medium Industrial District, Subsection 2.
- (13) Adding CANNABIS PROCESSING, MAJOR Use classification as a Discretionary Use within the Subsections of the following Use Tables:
 - a) Section 4.2. AGI – Agricultural Industry Development District, Subsection 2;
 - b) Section 7.1. BI – Business Industrial District, Subsection 2;
 - c) Section 7.6. RE – Resource Extraction District, Subsection 2; and,
 - d) Section 7.7. RIC – Rural Industrial / Commercial District, Subsection 2.
- (14) Adding CANNABIS PROCESSING, MAJOR Use classification as a Permitted Use within the Subsections of the following Use Tables:
 - a) Section 7.2. BIR – Regional Business Industrial District, Subsection 2; and,
 - b) Section 7.3. MI – Medium Industrial District, Subsection 2.
- (15) Adding CANNABIS CULTIVATION, MINOR Use classification as a Permitted Use within the Subsection of the following Use Table:
 - a) Section 4.1. AGG – Agricultural General District, Subsection 2.
- (16) Adding CANNABIS CULTIVATION, MINOR Use classification as a Discretionary Use within the Subsections of the following Use Tables:
 - a) Section 4.2. AGI – Agricultural Industry Development District, Subsection 2;
 - b) Section 4.3. ANC – Agriculture/Nature Conservation District, Subsection 2;

- c) Section 5.3. CR – Country Residential District, Subsection 2;
 - d) Section 7.1. BI – Business Industrial District, Subsection 2;
 - e) Section 7.3. MI – Medium Industrial District, Subsection 2; and,
 - f) Section 7.7. RIC – Rural Industrial / Commercial District, Subsection 2.
- (17) Adding CANNABIS PROCESSING, MINOR Use as a Discretionary Use within the Subsections of the following Use Tables:
- a) Section 4.2. AGI – Agricultural Industry Development District, Subsection 2;
 - b) Section 7.1. BI – Business Industrial District, Subsection 2;
 - c) Section 7.2. BIR – Regional Business Industrial District, Subsection 2;
 - d) Section 7.3. MI – Medium Industrial District, Subsection 2;
 - e) Section 7.6. RE – Resource Extraction District, Subsection 2; and,
 - f) Section 7.7. RIC – Rural Industrial / Commercial District, Subsection 2.

- (18) Adding the following to SECTION 12 – SPECIFIC USE REGULATIONS:

12.26 Cannabis Cultivation, Major

1. Cannabis Cultivation, Major use may be a Permitted or Discretionary Use in certain Industrial Districts, subject to the standard development regulations, design and character, landscaping, parking and loading, signage and other applicable requirements of the respective Industrial Districts.
2. Cannabis Cultivation, Major use may be a Discretionary use in certain Agricultural Districts if, in the opinion of the Development Authority, the potential intensity of the use is appropriate and reasonably compatible with the nature and uses of the surrounding properties.
3. When evaluating the appropriateness for a proposed Cannabis Cultivation, Major use in certain Agricultural Districts where it is a Discretionary use, the Development Authority shall consider:
 - a) The proposed site shall be suitable and appropriate for the scale and intensity of the proposed facility. To assess site suitability, the Development Authority may consider factors such as, but not limited to, size of the property, site servicing, distances to nearby residences, access to transportation networks, agricultural soil capacity, environmentally significant areas, and other unique site conditions.
 - b) Cannabis Cultivation, Major use shall not be located within a Prime Agricultural Area as identified in Parkland County's Municipal Development Plan Bylaw 2017-14.
 - c) Cannabis Cultivation, Major use shall not be located within 150.0 m from the boundary of a Multi-Parcel Residential Subdivision.
 - i) The 150.0 m separation distance shall be measured from the boundary of the proposed development area to the boundary of the Multi-Parcel Residential Subdivision.

- d) Landscaping and screening measures may be required at the discretion of the Development Authority to minimize any adverse visual impact to nearby residences and public roadways.
 - e) Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from any nearby residences or public roadways.
 - f) Vehicular entrances and exits as well as on-site pedestrian and vehicular routes shall be designed in a manner that provides a safe and clearly defined circulation pattern.
 - g) Hours of heavy equipment traffic may be restricted at the discretion of the Development Authority to minimize any adverse impact to any nearby residences.
 - h) The Development Authority may require the applicant to conduct and document public engagement prior to submitting a development permit application for a Cannabis Cultivation, Major use if, in the Development Authority's opinion, the development may present significant adverse impact to nearby properties.
4. Cannabis Cultivation, Major use shall incorporate Dark Sky compliant practices and measures to minimize light pollution to nearby properties.
5. The proposed development shall meet all federal, provincial and all other relevant statutory requirements prior to commencement of the operation, and provide evidence of applicable federal and provincial approvals to the satisfaction of the Development Authority.

12.27 Cannabis Cultivation, Minor

1. Cannabis Cultivation, Minor use may be a Permitted or Discretionary Use in certain Industrial Districts, subject to the standard development regulations, design and character, landscaping, parking and loading, signage and other applicable requirements of the respective Industrial Districts.
2. The following provisions shall apply to Cannabis Cultivation, Minor use where allowed for in this Bylaw:
 - a) Cannabis Cultivation, Minor use shall not be located within 150.0 m of:
 - i) a Multi-Parcel Residential Subdivision;
 - ii) a provincial healthcare facility;
 - iii) a school or building containing Educational Services; or,
 - iv) a school reserve or municipal and school reserve.
 - b) Cannabis Cultivation, Minor use shall incorporate Dark Sky compliant practices and measures to minimize light pollution to nearby properties.
 - c) The maximum gross floor area of a Cannabis Cultivation, Minor facility shall be 325.0 m². The total square metres of Cannabis Cultivation, Minor use shall be included in the calculation for Accessory Development as per Section 11.1.3.

- d) Cannabis Cultivation, Minor shall be designed, sited, constructed and finished in a manner that is visually compatible, in the opinion of the Development Authority, with the residential character of adjacent and neighbouring lands.
- e) Any building or structure for the purposes of Cannabis Cultivation, Minor use shall be a minimum of 30.0 m from all property lines
- f) Cannabis Cultivation, Minor will not be supported in a dwelling.
- g) Landscaping and screening measures may be required at the discretion of the Development Authority to minimize any adverse visual impact to nearby residences and public roadways.
- h) The proposed development shall meet all federal, provincial and all other relevant statutory requirements prior to commencement of the operation, and provide evidence of applicable federal and provincial approvals to the satisfaction of the Development Authority.

12.28 Cannabis Retail Sales

1. Cannabis Retail Sales use shall not be located within 100.0 m of any parcel that contains:
 - a) a provincial healthcare facility;
 - b) a school or building containing Educational Services; or,
 - c) a school reserve or municipal and school reserve.
2. When evaluating the appropriateness of a proposed Cannabis Retail Sales use, the Development Authority shall consider:
 - a) compatibility of the proposed use with adjacent and neighbouring land uses;
 - b) impact of the proposed use on existing traffic volumes and patterns of flow;
 - c) appropriate vehicle parking and site access/egress requirements (the location of access/egress points shall not route traffic through residential areas); and,
 - d) appropriate site security/fencing requirements.

The separation distance shall be measured from the exterior wall of the Cannabis Retail Sales development to the nearest point of the parcel boundary containing the above facilities, buildings or reserves.

3. The proposed development shall meet all federal, provincial and all other relevant statutory requirements prior to commencement of the operation, and provide evidence of applicable federal and provincial approvals to the satisfaction of the Development Authority.

(19) Adding the following to SECTION 16 – CONTROL OF DEVELOPEMENT:

16.7A Application for Cannabis Cultivation, Major

1. In addition to the development permit application requirements stipulated in Subsection 16.3, a development permit application for a Cannabis Cultivation, Major use in applicable Agricultural Districts may be required to provide the following information at the discretion of the Development Authority:
 - a) operational details such as number of employees, hours of operation, types of activities, among others;
 - b) details on on-site water and septic management systems;
 - c) traffic impact study showing the type, volume, frequency of vehicle movements and the transportation routes to be utilized, and the need for any off-site road infrastructure improvements;
 - d) storm water management system and fire suppression ponds, if applicable;
 - e) landscaping and screening from residences and public roads;
 - f) public consultation summary;
 - g) biophysical assessments if the property intersects with an environmentally significant area; and,
 - h) any other information required by the Development Authority respecting the site or adjacent lands.
- (20) Removing the CANNABIS PRODUCTION FACILITY Use Class Definition in Section 20.3
- (21) Adding a Land Use Class Definition for CANNABIS CULTIVATION, MAJOR in Section 20.3 as follows:
 - a. CANNABIS CULTIVATION, MAJOR means a development that has a plant canopy area greater than 200.0 m² and is used principally for the production, cultivation, and growth of Cannabis as licensed by Health Canada. This use class does not preclude the packaging, storage and transporting of products and materials related to cultivation of Cannabis.
- (22) Adding a Land Use Class Definition for CANNABIS CULTIVATION, MINOR in Section 20.3 as follows:
 - a. CANNABIS CULTIVATION, MINOR means a development that has a plant canopy area 200.0 m² or less and is used principally for the production, cultivation, and growth of Cannabis as licensed by Health Canada. This use class does not preclude the packaging, storage and transporting of products and materials related to cultivation of Cannabis.
- (23) Adding a Land Use Class Definition for CANNABIS PROCESSING, MAJOR in Section 20.3 as follows:
 - a. CANNABIS PROCESSING, MAJOR means a development that is used principally for one or more of the following: making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products of cannabis as licensed by Health Canada. This use class does not preclude the storage and transporting of products and materials related to Cannabis processing.

- (24) Adding a Land Use Class Definition for CANNABIS PROCESSING, MINOR in Section 20.3 as follows:
 - a. CANNABIS PROCESSING, MINOR means a development that is used principally to process a maximum of 600.0 kg of dried cannabis (or equivalent) in one (1) calendar year. This includes one or more of the following: making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products as licensed by Health Canada. This use class does not preclude the storage and transporting of products and materials related to Cannabis production.
- (25) Revising the CANNABIS RETAIL SALES Land Use Class Definition in Section 20.3 as follows:
 - a. CANNABIS RETAIL SALES means a development, or any part thereof, used for the retail sale of Cannabis as licensed by the Province of Alberta. Does not include Cannabis Production Facility or Convenience Retail.

ENACTMENT/TRANSITION

- 2. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
- 3. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this _____ day of _____, 2019.

READ A SECOND TIME this _____ day of _____, 2019.

READ A THIRD TIME and finally passed this _____ day of _____, 2019.

SIGNED AND PASSED this _____ day of _____, 2019.

Mayor

Chief Administrative Officer