

**MISCELLANEOUS PLANNING ITEM
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
SECOND AND THIRD READINGS TO BYLAW 67/2023
December 6, 2023**

APPLICATION INFORMATION



Land Use Bylaw Amendments for Retail Cannabis Sales

PROPOSAL: Requesting second and third readings to Bylaw 67/2023 for amendments to the Land Use Bylaw pertaining to the retail sales of cannabis, for Council's consideration.

FILE MANAGER: Drew Granson

BACKGROUND:

On November 15th, 2023, Council granted 1st reading to Bylaw 67/2023 to authorize amendments to the Land Use Bylaw as outlined within the attached Appendix A.

COUNCIL ACTION REQUESTED:

Council is respectfully requested to consider granting 2nd and 3rd readings to Bylaw 67/2023 further amending the Land Use Bylaw by authorizing text amendments pertaining to retail cannabis as described within the enclosed Schedule 'A' of Appendix A.

APPENDICES

APPENDIX A: PROPOSED BYLAW

- **Bylaw 67/2023: Amendments for Retail Cannabis Sales**
- **Schedule 'A': Proposed Amendments to Land Use Bylaw for Retail Cannabis**

APPENDIX A: PROPOSED BYLAW

BYLAW 67/2023: Amendment for Retail Cannabis Sales

BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE AN AMENDMENT TO THE LAND USE BYLAW NO. 60/2014 AS AMENDED

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, and amendments thereto, the Council of Foothills County in the Province of Alberta, has adopted Land Use Bylaw No. 60/2014 and amendments up to and including those passed on December 17, 2014.

AND WHEREAS pursuant to Section 191(1) of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, the power to pass a bylaw under this or any other enactment includes a power to amend or repeal the bylaw.

AND WHEREAS Bylaw 67/2023 was introduced to Council to further amend the Land Use Bylaw by authorizing text amendments to Land Use Bylaw 60/2014 pertaining to Retail Cannabis as described within the attached Schedule 'A'.

- 1. This Bylaw shall have effect on the date of third reading.

FIRST READING: November 15th, 2023

Signatures for 1st reading omitted from staff report. _____
Reeve

CAO

SECOND READING: _____, 20xx

Reeve

CAO

THIRD READING: _____, 20xx

Reeve

CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this ____day of _____, 20____.

SCHEDULE A – PROPOSED AMENDMENTS TO LAND USE BYLAW FOR RETAIL CANNABIS

DEFINITIONS

The definitions are amended as follows:

New Definitions:

CANNABIS means a 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 a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis; or as defined in the Cannabis Act (Canada) and its regulations as amended from time to time.

CANNABIS RETAIL STORE means a building or portion thereof that is licensed by the Province of Alberta for the legal sale of cannabis and cannabis accessories for off-site consumption. This use does not include Cannabis Production.

CANNABIS SALES means for the wholesale or retail sale or distribution to the public of any and all types of Cannabis as defined by the Cannabis Act (Canada).

Existing Definitions requiring Amending:

AGRICULTURAL PROCESSING AND DISTRIBUTION means the use of land or a building for the upgrading of a product, for distribution or for sale that was originally produced in an agricultural operation but does not include an abattoir or Cannabis production **or sales**.

CONVENIENCE STORE means a retail store in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to complement such items may include the limited sale of magazines, books and records, house wares, toiletries, stationary, and tobacco products. **This use does not include cannabis sales.**

FARMERS ~~MARTKET~~ MARKET see *Public Market*.

RETAIL GARDEN CENTRE means a development providing for the retail sale of bedding, household and ornamental plants, and associated merchandise, and may include display gardens, but does not include on-site outdoor and indoor cultivation or propagations of plants. **This use does not include cannabis production or cannabis sales.**

RETAIL STORE means the use of a building or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment but does not include a grocery store, ~~or~~ liquor sales, **or cannabis sales**.

PUBLIC MARKET means the use of a building, structure, or lot for the purpose of selling any or all of **the following**: produce, **meat**, fish, seafood, flowers, and crafts and may include retail stores and restaurants. **This use does not include cannabis sales.**

10.12 HOME BASED BUSINESSES

Section 10 .12 is amended to read as follows:

Home Based Businesses:

10.12.11 Home based businesses do not include Cannabis Production **or Cannabis Sales**.

10.15 CANNABIS PRODUCTION

Section 10 .15 is amended to read as follows:

10.15 Cannabis ~~Production~~ Cannabis, Production

~~No approvals for licensed retail establishments for the retail sale of Cannabis are contemplated in the County until appropriate review can be completed further to federal and provincial legislation and regulations being implemented.~~

Approvals for a Cannabis Retail Store for the retail sales of Cannabis are only contemplated under the Direct Control District #11 (DC11). All Cannabis Retail Stores must adhere to all applicable requirements of the Alberta Gaming, Liquor and Cannabis (AGLC) and other applicable federal and provincial legislation and regulations. This use is not contemplated elsewhere in the County.

Cannabis, Retail

- 10.15.17 Cannabis, Cannabis Sales, Cannabis Retail Store, and Cannabis Accessory are defined in Section 2.5 of this bylaw.
- 10.15.18 All Cannabis Sales and Cannabis Retail Stores require an approved Development Permit prior to operation.
- 10.15.19 The landowner is responsible to ensure any required safety code permits are obtained from the County and to ensure compliance with all Provincial or Federal regulatory bodies having jurisdiction with respect to such facilities.
- 10.15.20 Where Cannabis Retail Store is not listed as a use under the current land use district, a bylaw must be enacted to redesignate the lands to the appropriate land use district or amendment of the existing district to allow for the use, prior to the development authority considering the development permit application complete.
- 10.15.21 All Cannabis Retail Stores shall adhere to the requirements as identified within the AGLC's Retail Cannabis Store Handbook, including but not limited to:
- a. A retail cannabis license will not be issued if the premises is located within 100 metres of:
 - a) a provincial health care facility, or boundary of the parcel of land on which the facility is located, or
 - b) a building containing a school or a boundary of the parcel of land which the facility is located, or
 - c) a boundary of a parcel of land that is designated as a school reserve or municipal and school reserve in the *Municipal Government Act*.
 - b. The retail cannabis store may set its hours of operation between the maximum allowable hours of 10:00am and 2:00am, Monday through Sunday, unless otherwise set by the Development Authority.
- 10.15.22 Development permit applications for Cannabis Retail Stores shall be accompanied by the following information:
- a. Written proof of submission to the AGLC for the Retail Cannabis Store (providing proof of approved AGLC License will be a condition of the Development Permit approval).
 - b. A detailed site plan with North at the top of the page showing:
 - i. the entire parcel and any other land that may be used in conjunction with the parcel for the proposed use. If additional lands are owned by others, must include names and signed consent for the proposed development;
 - ii. The legal land description;
 - iii. Dimensions of the parcel and building(s);

- iv. Locations of all existing and proposed buildings and distances from all property lines;
 - v. Distances from any neighbouring Healthcare Facilities, Schools, and/or school reserve/municipal and school reserve properties;
 - vi. All roads and routes used for any construction, and access/egress of the subject property;
- c. Statements to fully describe the proposed development, including but not limited to:
- i. Full description of proposed business, including how it operates, and the number of individuals to be employed;
 - ii. Products and services proposed;
 - iii. Types and frequency of deliveries to and from the site;
 - iv. Proposed days and hours of operation (noting maximum allowable hours of 10am to 2am, as per the *Alberta Gaming, Liquor and Cannabis Regulation 121*);
 - v. Proposed maximum number of occupants of any building involved in the development at any given time;
 - vi. Description of provisions for construction/renovations/alterations to any proposed and/or existing building(s) in support of the proposed operation, and in alignment with the Gaming, Liquor and Cannabis Act (GLCA) and Gaming, Liquor and Cannabis Regulation (GLCR).
 - vii. Provisions for parking and loading;
 - viii. Methods of controlling noise, dust, odors or drainage from the lot, both during construction and regular operations of the business;
 - ix. Description of any proposed signage and/or business identification including illustrations/renderings and dimensions;
- d. Any additional or supplementary details deemed appropriate or necessary by the development authority and/or applicant in order to thoroughly consider the application.
- e. A Fire Safety Plan submitted with the application for review and approval by the Safety Codes Officer prior to project commencement.
- f. An Emergency Response Plan prepared by a qualified professional and approved by the County's Emergency Management Department prior to the submission of the development permit.
- 10.15.23 The Approving Authority may impose as a condition, any reasonable measure to ensure suitability, compatibility and to mitigate potential impacts, consistent with and giving consideration to the terms and conditions of the AGLC approval.
- 10.15.24 In evaluating the appropriateness of a development permit application for Cannabis Retail Sales, the Approving Authority shall consider:
- a. compatibility with adjacent and neighboring land uses;
 - b. impact on existing traffic volumes and patterns of flow;
 - c. appropriate vehicle parking and site access/egress requirements;
 - d. lighting and signage;
 - e. appropriate site security/fencing requirements; and
 - f. any other matters considered appropriate by the development authority.

LAND USE DISTRICTS:

Direct Control #11 shall be amended as follows:

- *Cannabis Retail Store* to be added as a discretionary use.

Direct Control #27 shall be amended as follows:

- 18.27.6.1 Home based businesses do not include Cannabis Production or Cannabis Sales.