



AGENDA ITEM

2019 REVIEW OF THE MUNICIPAL DEVELOPMENT PLAN & LAND USE BYLAW

Bylaw Nos. 1318/20 and 1317/20

April 9, 2020

BACKGROUND

At the February 13, 2020 Council Meeting, Council requested that staff revise Bylaw 1317/20 to include adding setback requirements from cannabis production facilities in the Agricultural 'A' District and Hamlet Industrial 'I-H' District to residential uses. **These revisions to the agenda are highlighted in yellow** below and on the bylaw attachment to the package, for ease of reference. The rest of the agenda and attachments remain unchanged from the February 13, 2020 Council Meeting.

The County's *Municipal Development Plan* (MDP) and *Land Use Bylaw* (LUB) were adopted in July 2017. Policy MUNI 8.3.2 requires an annual review and report based on the findings of the Monitoring Matrix of the MDP. The matrix was created to test the success or failure of the policies within the plans and to indicate if the policies are meeting the plan's objectives.

The *Municipal Development Plan & Land Use Bylaw 2019 Review - Annual Report & Monitoring Matrix* is attached as Appendix A. This review has identified some areas for improvement in the plans, to which amendments are proposed. Staff have also found some housekeeping amendments. Bylaw 1318/20 proposes a number of amendments to the MDP and Bylaw 1317/20 proposes a number of amendments to the LUB.

In addition to the annual staff review, two public submissions were made in 2019 for Council's consideration, attached as Appendix B. Ray and Pauline Prins have requested Council's consideration of policy changes to deal with some situations

on an individual basis, and to consider lower density zoning to develop small parcels not economically viable to meet all the requirements of higher density situations. Gordon Graves and Katie Graves have requested Council's consideration of amending water and wastewater requirements on existing Country Residential 'R-CR' acreages in the central corridor area near Blackfalds and Lacombe. Staff are not proposing any amendments to the MDP or LUB based on these public submissions, as these requests are not consistent with the overall vision for the built environment and infrastructure sections in the MDP, nor are they consistent with other local plans.

RESEARCH & ANALYSIS

Since the February 13, 2020 Council meeting, staff researched several other municipalities Land Use Bylaw's to get a context of municipal regulations for cannabis production facilities in other areas of the Province. This was a search of similar rural municipalities.

Setbacks from Cannabis Production Facilities in Agricultural Areas

Staff research found some municipalities that apply special setbacks for cannabis production facilities in agricultural areas to a residential use:

- Rocky View County has a 100 metre setback from any sized cannabis production facility in an agricultural area to a residential site.
- Sturgeon County has a 100 metre setback from a micro-sized production facility in an agricultural area to a dwelling in the agricultural area. Sturgeon County also has a 300 metre setback from a micro-sized production facility in an agricultural area to a residential district. Note: Standard-sized facilities (plant canopy area more than 200 m²) are not a listed use in the agricultural area for Sturgeon County.
- Parkland County has a 150 metre setback from any sized cannabis production facility in an agricultural area to a multi-parcel residential subdivision.

Permitted/Discretionary Uses in Agricultural Areas

Staff research found most municipalities that have cannabis production facility uses in the agricultural areas list them as discretionary use:

- Rocky View County lists Cannabis Cultivation as a discretionary use in Ranch and Farm District, Ranch and Farm Two District, Ranch and Farm Three District, Agricultural Holdings District, and Farmstead District. Cannabis Cultivation only means the growing and harvesting of cannabis and does not include processing.
- Sturgeon County lists Micro-sized Production and Distribution Facilities as a discretionary use in agricultural areas.
- Brazeau County lists Cannabis Production Facilities as a discretionary use in agricultural areas.
- Leduc County lists Cannabis Production Facilities as a discretionary use in agricultural areas.

Staff research found one municipality that lists some cannabis production facility uses in the agricultural areas as a permitted use, and some as discretionary use:

- Parkland County lists Major or Minor Cannabis Cultivation as permitted or discretionary uses in the agricultural areas, depending on which agricultural district you are in. Minor or Major Cannabis Processing are also separately listed uses in their Land Use Bylaw.
 - Minor Cannabis Cultivation is permitted in Agricultural General District and Agricultural Industry Development District
 - Minor Cannabis Cultivation is discretionary in Agriculture/Nature Conservation District.
 - Major Cannabis Cultivation is permitted in Agricultural Industry Development District.
 - Major Cannabis Cultivation is discretionary in Agricultural General District.
 - Both Minor and Major Cannabis Processing are permitted in Agricultural Industry Development District.

Staff research found one municipality that lists cannabis production facility uses in the agricultural areas as a permitted use:

- Camrose County lists Intensive Agricultural Operations as a permitted use in the agricultural area, and this definition includes cannabis production facilities.

Setbacks from Cannabis Production Facilities in Hamlet Industrial Areas

Staff research found no examples within hamlet industrial areas.

Staff Recommendation based on Council's Requested Amendments

If Council wishes to include setbacks from residential uses in the Agricultural 'A' District and Hamlet Industrial 'I-H' District in the Land Use Bylaw, staff recommended amendments include:

- A cannabis production facility with a total site size of more than 4 acres would be considered a large facility in the Agricultural 'A' District. This is consistent with maximum site areas for minor businesses.
 - Setback for a large facility in the Agricultural 'A' District would be 300 metres from the site area to a dwelling AND to a residential district.
- A cannabis production facility with a total site size of less than 4 acres would be considered a small facility in the Agricultural 'A' District.
 - Setback for a small facility in the Agricultural 'A' District would be 100 metres from the site area to a dwelling AND to a residential district.
- Setback from the site boundary of a Hamlet Industrial 'I-H' District facility would be 40 metres to a dwelling AND to a residential district.
- Already approved site areas or site boundaries would not be subject to the proposed setbacks, unless the site area or site boundary was amended during a renewal or expansion application.
- The Development Authority has the discretion to increase setbacks if they were insufficient.

The exact wording of the proposed amendments can be viewed in the attached Bylaw 1317/20.

Currently Approved Cannabis Production Facilities

This information is provided to give some context to Lacombe County's currently approved cannabis production facilities in the Agricultural 'A' District and Hamlet Industrial 'I-H' District:

- 4 approvals in Agricultural 'A' District, only 1 is over 4 acres in size (Jimmy Jazz on SE 34-40-04-W5M). This one facility would be considered a large cannabis production facility under the proposed amendments, with a larger residential use setback.

- 4 approvals in Agricultural 'A' District, all 4 are over 300 metres from a dwelling and/or residential district. All these sites would meet the setbacks as outlined in the proposed amendments for either a small or large facility.
- 1 approval in Hamlet Industrial 'I-H' District. The site is located less than 40 metres from the nearest dwelling, and is 0 metres from the nearest residential district. This site would not meet setbacks as outlined in the proposed amendments, but as it's already conditionally approved, the facility would be exempt from the proposed setbacks. If the site boundary was increased or changed, the new site boundary area would be subject to the proposed setback regulations.

SUMMARY OF PROPOSED AMENDMENTS

The following is a summary of amendments being brought forward and an explanation as to why these changes are being proposed.

Municipal Development Plan (Bylaw 1318/20)

1. Municipal Subdivisions: Insert Policy ENV&REC 4.4.7 to provide policy direction to ensure clarity. From time to time, municipal subdivisions are necessary to establish or expand municipal parks, cemeteries, or other public uses.
2. Telecommunication Towers: Amend Section 7.8 Telecommunications and Policy INF&TECH 7.8.1 clarifying the federal jurisdiction versus the municipal role in the approval process.

Land Use Bylaw (Bylaw 1317/20)

1. Cannabis Production Facilities: In the Agricultural 'A' District and Hamlet Industrial 'I-H' District, require a setback from a cannabis production facility to a residential use to address compatibility issues between land uses.
2. Agri-tourism business: Add 'agri-tourism business' definition and list as a discretionary use in Agricultural 'A' District and permitted use in the Recreation 'PR' District to facilitate agriculture-based tourism. Adding a new use in the LUB to promote agri-tourism businesses supports tourist uses showcasing our agricultural community and allows visitors to experience agricultural life.

3. Bed and Breakfast: Amend the definition of 'bed and breakfast' to include the use of accessory buildings in the Agricultural 'A' District, also to facilitate agritourism.
4. Setbacks from a property line that has changed due to a natural boundary change: In the Agricultural 'A' District and Recreation 'PR' District, insert policy where a property line has been adjusted due to a change in a natural boundary, the setback shall be applied from the original property boundary and any development must be contained within the development area of the original boundary. As we see an increase in accretion on other lands not zoned Residential Lake Area 'R-RLA' District, staff propose to add this policy to the Agricultural 'A' District and Recreation 'PR' District to ensure clarity for landowners.
5. Telecommunication Towers: Update Section 6.20 Telecommunication Towers and uses in the Agricultural 'A' district to align with the MDP updates.

Assorted Housekeeping Amendments

6. Approving Authorities: Amend section 2.2(5) regarding when MPC meetings are held, to be consistent with *The Procedures Bylaw*.
7. Home Based Businesses: Amendments to ensure all references are the same wording.
8. Non-resident On-site Employees: Amendments to ensure all references are the same wording.
9. Kennel: Amendment to the definition for grammatical errors.
10. Fringe Commercial Area in Hamlet Commercial 'C-H' District: update 3(1) and 3(3) maximum parcel frontage and setbacks in the Fringe Commercial Area. Insert map to show Fringe and Core Commercial Areas in the Hamlet of Mirror.
11. Maximum Height of an RV: In the Recreation Vehicle Resort 'R-RVR' District, amend 3(11)(a), describing how to measure the maximum height of a Recreational Vehicle to align with building height definition.
12. Wastewater Servicing on Sylvan Lake: In the Residential Lake Area 'R-RLA' District, amend section 3(6) to align with the *Sylvan Lake Communal Servicing Bylaw*, which requires lots in Blissful Beach, Kuusamo Krest, Palm Bay, and Yuill subdivisions to connect to the municipal communal wastewater system.

LEGISLATIVE RESPONSIBILITIES

The *Municipal Government Act* gives Council the sole authority and responsibility to consider amendments to the Land Use Bylaw and the Municipal Development Plan.

Section 640(1) of the *Municipal Government Act* states that a Land Use Bylaw may prohibit or regulate and control the use and development of land and buildings within a municipality.

The *Municipal Government Act* also requires that all amendments must be passed by bylaw, and a public hearing must be held by Council to allow all interested parties to comment on the proposed amendments.

PUBLIC PARTICIPATION

Lacombe County sees the value in engaging the public through a variety of mediums and is committed to open, accountable and responsive decision making, including different levels of engagement with the public as outlined in the *Policy AD(40): Public Participation Policy*. The levels of engagement within the policy are as follows:

- *Inform*: To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.
- *Consult*: To obtain public feedback on analysis, alternatives and/or decisions.
- *Involve*: To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
- *Collaborate*: To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.
- *Empower*: To place final decision making in the hands of the public.

A Public Hearing allows members of the public to provide input into the proposed amendments before adoption (*Inform* and *Consult*).

RECOMMENDATION

Staff recommend that Council accept the *Municipal Development Plan & Land Use Bylaw 2019 Review - Annual Report & Monitoring Matrix* for information.

Further, staff recommend that Council give first reading to Bylaw 1318/20 and 1317/20 to amend the County's *Municipal Development Plan and Land Use Bylaw*.

If Council gives first reading to the bylaws, Council may set a date to hold a Public Hearing to allow interested parties to comment on these changes. Staff recommends the July 9, 2020, Council meeting at 9:00 am.

COUNCIL DECISION

PREPARED BY: Cajun Paradis, Senior Planner
PREPARED BY: Dale Freitag, Director of Planning Services
REVIEWED BY: Tim Timmons, County Manager

