



REPORT TO THE MUNICIPAL PLANNING COMMISSION

January 30, 2020

Application No.	153/19
Proposed Development	Cannabis Production Facility <i>known as Silver Mountain Cannabis</i>
Legal Description	Lots 4-6 Block 12 Plan 7159A1 (Hamlet of Mirror)
Titled Area	0.41 acres (0.16 hectares)
Zoning	Hamlet Industrial "I-H" District
Applicant	Wes Earle
Landowner	Allan McKenzie

BACKGROUND

Wes Earle has applied to establish a cannabis production facility on three industrial lots in the Hamlet of Mirror. These lots have previously been used for outdoor storage as well as some welding and repair work from a small shop located on the southern end of the property.

Mr. Earle is proposing to construct three new buildings including a 1500 ft² office as well as two (2) 2100 ft² buildings for cannabis cultivation. The existing shop will be utilized for storage purposes. The proposed buildings will be designed to integrate green building principles, passive heating and an upgraded building envelope. The landscaping is being designed in order to meet Crime Prevention Through Environmental Design (CPTED) principles.

The business will employ six (6) to ten (10) non-resident, on-site employees. The hours of operation are from 7:00 AM – 6:00 PM, Monday – Friday; however, there will be 24/7 security personnel onsite during product maturity. There is also a bi-monthly harvest where two employees would be on a night shift for the duration of the harvest. The expected traffic consists of mainly local employees driving to and from work as well as some traffic for shipping and receiving. This has been estimated at seven (7) vehicle trips per day. The facility is not open to the general public as this is a grow facility only and no retail sales or customer

visits will take place so no customer parking is being proposed. Outdoor storage is required for planting materials, soil and other gardening equipment.

Enhanced HVAC units are proposed to be utilized to prevent odours by utilizing HEPA filters, ozone treatment, and charcoal scrubbers. The building will be compliant with the County's Dark Sky principles to limit light trespass.

Signage is not being proposed as part of this application.

POLICY CONSIDERATIONS

This proposal is considered a "Cannabis Production Facility", which is a discretionary use under the Hamlet Industrial "I-H" District of the County's Land Use Bylaw (LUB) requiring the approval of the MPC.

The County's LUB defines a "Cannabis Production Facility" a premises authorized by a license issued by Health Canada and used for the production, cultivation, harvesting, processing (including the trimming, drying, and curing of raw materials), storage or distribution of cannabis or its by-products for commercial sale.

The development is subject to the Highways and County Main Roads Overlay District requirements for landscaping, as well as building design and appearance.

CIRCULATION RESPONSE

The Operations Department had no objections to the proposal and confirmed that the access is adequate and that the existing road can handle the proposed traffic generated from the site.

CN Rail and Alberta Transportation had no objection to the proposed development.

The County's Director of Community Services responded that this development would be required to connect to the municipal services which are available in 52nd Avenue.

The County Fire Chief responded that due to the remoteness of the site, emergency services will be delayed as the Alix Fire Department would be the primary fire service provider. He recommends that the building be constructed of fire resistant materials, a monitored fire alarm system be installed, and a Fire Safety Plan is to be developed and approved by the County. The building will be required to meet the most recent requirements of the Alberta Building Code,

Alberta Electrical Code and the Alberta Fire Code. He also noted that the hanging of plastic to create wall dividers is not permitted. An inspection will be required prior to occupancy and periodically going forward.

The applicant was required to prepare a pre-circulation package that was sent out to neighboring landowners in order to solicit feedback on their development. Of the 350 packages sent out, the applicant received seventeen (17) responses as a result of the consultation. The main areas of concern included property values, moral issues, safety and security, and odor; however, many of those who responded were supportive of the venture and the potential jobs it may bring to the Hamlet. A summary of this feedback, including the applicant's response to the concerns identified, has been prepared. This document has been attached as Schedule B.

Mr. David Cartright submitted two letters, one in opposition to the development which has been included in the applicant's summary noted above, and a subsequent letter in which he has indicated that he would like to withdraw his opposition but has requested that the County consider requiring paving or dust control on 54th street.

ANALYSIS

The proposed business is located on land designated Hamlet Industrial "I-H" District in the County's Land Use Bylaw. The business is considered a Cannabis Production Facility as defined in the County's LUB which is a discretionary use in the Hamlet Industrial "I-H" District. It is important to note that the Hamlet Industrial "I-H" District is directly adjacent to the Hamlet Residential "HR-1" District in this particular area in the Hamlet of Mirror. These zoning types can create inherent conflict so it is important to be sensitive to development on either side.

The applicant has compiled a summary of responses from the public consultation. Of the seventeen (17) responses received, eleven (11) of those who responded were supportive of the facility; primarily because of the potential for local job creation. The remainder of the respondents were concerned over property values, moral issues, safety and security, and odor.

The applicant has indicated that they feel that the increased employment opportunities within the Hamlet should increase property values and lead to the long-term sustainability of the Hamlet. The moral issues are more difficult to reconcile; however the applicant notes that there are many health benefits associated with cannabis, and the business has much in common with a craft

brewery or other agri-businesses. In regards to safety and security, the applicant plans to install alarms, and offsite video surveillance as well as 24/7 security personnel onsite during product maturity / harvest. In order to address odors, the applicant has proposed the use of an enhanced HVAC units which include HEPA filters, ozone treatment, and charcoal scrubbers.

The proposed buildings meet all setback requirements and the landscaping plan is being designed in order to meet CPTED principles. The elevation drawings submitted with the development application meet the County's Highways and County Main Roads Overlay District. The facility will be fully fenced and security measures including both security personnel as well as video surveillance will be in place.

In addition to requirements of the County, the applicant is also required to satisfy those imposed by Health Canada. With this in mind the scale of the development coupled with the mitigation measures that the applicant is proposing to put in place in terms of security, landscaping, lighting, and odor, staff are of the opinion that this development constitutes a compatible use in the Hamlet Industrial "I-H" District.

STAFF RECOMMENDATION

APPROVE the application, subject to the following conditions:

1. the term of the development permit to be for three (3) years;
2. prior to the issuance of a development permit, the applicant shall enter into a development agreement and provide security equal to the value of the estimated cost of the proposed landscaping, returnable upon the completion of the improvements to the satisfaction of the County;
3. prior to the issuance of a development permit, the applicant shall provide engineered drawings for the extension of municipal water and wastewater services to the subject property, to the satisfaction of Lacombe County and provide the required security for the same;
4. this approval shall be subject to an annual review by the Development Officer. Failure to comply with the conditions of the development permit may result in the permit being suspended or revoked;
5. prior to occupancy of the buildings for use as a cannabis production facility, the applicant/operator shall provide to the satisfaction of the County confirmation of application for, and compliance with the requisite federal license;

6. cannabis production facility shall at all times comply with federal and provincial legislation and regulations, failure to do so will result in the immediate termination of this development approval;
7. prior to occupancy of the building for use as a cannabis production facility, a fire safety plan to be submitted to the satisfaction of the County's Fire Chief;
8. prior to occupancy of the building, applicants to arrange for the County's Fire Chief to carry out an inspection of the premises to ensure compliance with the Alberta Fire Code (AFC) Please note, that periodic inspections may occur through your development permit approval term;
9. business activities at the site shall adhere to the description of the business provided with the development application;
10. lighting to comply with the County's Dark Sky guidelines, and the Crime Prevention Through Environmental Design Principles;
11. business to be operated at all times in manner that does not cause nuisance for surrounding residents due to noise, light, odour, excessive traffic, or anything else of dangerous or objectionable nature as determined by and at the sole discretion of Lacombe County;
12. dust control may be required at the County's sole discretion should the vehicle traffic generated by the business warrant this measure; and
13. no signage permitted without prior approval from the County.

It is the responsibility of the applicants to ensure that the proposed building meets the requirements of the provincial Safety Codes Act and the associated Regulations. For more information on what permits may be required, contact one of the safety service agencies listed on the attached sheet.

MPC DECISION

PREPARED BY: Peter Duke, Planner/Development Officer



REVIEWED BY: Dale Freitag, Director of Planning Services



REVIEWED BY: Tim Timmons, County Manager

