

WHEATLAND COUNTY
PROVINCE OF ALBERTA
BYLAW 2020-26

Being a Bylaw of Wheatland County for the purpose of amending the Land Use Bylaw No. 2016-01, to update multiple Land Use Districts, Specific Use Regulations, and Definitions regarding Cannabis Production Facilities and Cannabis Cultivation.

WHEREAS the Council of Wheatland County believes it expedient to amend the Land Use Bylaw 2016-01.

WHEREAS the requirements for advertising this Bylaw, as per Section 606 of the *Municipal Government Act*, have been met prior to the public hearing date.

WHEREAS a Public Hearing was held on _____ at the Wheatland County office.

NOW THEREFORE under the authority and subject to the provisions of the *Municipal Government Act*, as amended, the Council of Wheatland County enact as follows:

1. The document entitled “Schedule A” attached to this Bylaw is hereby adopted;
2. This Bylaw comes into force when it receives third reading and is signed by the Reeve/Deputy Reeve and CAO or Designate, as per the *Municipal Government Act*.

_____ **MOVED** First Reading of Bylaw 2020-26 on _____, this being a bylaw for the purpose of amending Land Use Bylaw No. 2016-01, to update multiple Land Use Districts, Specific Use Regulations, and Definitions regarding Cannabis Production Facilities and Cannabis Cultivation with the changes as shown on the attached “Schedule A” forming part of this Bylaw.

Carried.

_____ **MOVED** Second Reading of Bylaw 2020-26 on _____, as presented and amended, and it was

Carried.

_____ **MOVED** Third and Final Reading of Bylaw 2020-26 on _____ and it was

Carried.

Amber Link – Reeve

Brian Henderson – Chief Administrative Officer

Schedule A

Attachment – Bylaw 2020-26 - Land Use Bylaw 2016-01 Amendments

Amendments to the Land Use Bylaw:

Part 2: Definitions are amended in the following respect:

1. Amend the following definitions

Cannabis Production Facility means the use of land, buildings or structures for purposes of growing, producing, processing, labelling and packaging, testing, researching, destroying, storing or transporting cannabis under authorization by license pursuant to the Cannabis Regulations – SOR/2018-144, or any successor or replacement legislation or regulation which may be enacted in substitution thereof. ~~Cannabis production Facility is only considered within the West Highway One Area Structure Plan (WH1ASP) Area.~~ See Cannabis Production Facility and Cannabis Cultivation Section for more information.

2. Add the following definition

Cannabis Cultivation means the use of land, buildings or structures for the purpose of growing cannabis under authorization by license pursuant to the Cannabis Regulations – SOR/2018-144, or any successor or replacement legislation or regulation which may be enacted in substitution thereof.

3. Add “Cannabis Cultivation is excluded from this use” to the following definitions

- a. Agricultural Operation
- b. Agricultural Processing – Major
- c. Agricultural Processing – Minor
- d. Greenhouse, Private
- e. Greenhouse, Public
- f. Nursery

Part 8: Specific Use Regulations are amended in the following respects:

4. Rename Part 8.3

Cannabis Production Facility and Cannabis Cultivation

5. Delete the following regulations under Part 8.3

8.3.1 b) An application for a Cannabis Production Facility shall only be considered within the West Highway 1 Area Structure Plan (WH1ASP) Area

8.3.1 d) The Cannabis Production Facility must not operate in conjunction with another approved use on the lot(s) or parcel(s)

8.3.1 f) Unless otherwise specifically approved by the Federal government as evidenced by the license issued by the Federal government in relation to the Cannabis Production Facility, all activities related to the Cannabis Production Facility shall occur within a fully enclosed stand-alone building, including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials and supplies

8.3.1 g) The property line of a Cannabis Production Facility Site must not be located within 39.62 m (130.0 ft) of any property line of any parcel which is not zoned as an Industrial District at the time that the first Development Permit for the Cannabis Production Facility is issued

8.3.1 k) Garbage containers and waste material shall be contained within an enclosed building

8.3.1 s) A Cannabis Production Facility must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.

6. Amend the following regulations under Part 8.3

8.3.1 In addition to all other applicable General Regulations listed in the Bylaw, the following provisions shall apply to Cannabis Production Facilities and Cannabis Cultivation

8.3.1 a) A Cannabis Production Facility and/or Cannabis Cultivation site for the purpose of this Bylaw means the lot(s) or parcel(s) on which the Cannabis Production Facility and/or Cannabis Cultivation is located or is proposed to be located

8.3.1 h) A Cannabis Production Facility and/or Cannabis Cultivation shall not be located ~~on a parcel of land that is adjacent to or~~ within ~~500-150 m (1640.4-492.1~~ 150 m (492.1 ft) of a parcel used for School, Child Care Facility, Day Home, or similar use associated with the caring or congregation of children or minors.

i. The 150 m (492.1 ft) shall be measured from the boundary of the proposed development area to the property line of the School, Child Care Facility, Day Home, or similar use associated with the caring or congregation of children or minors.

8.3.1 i) A Cannabis Production Facility and/or Cannabis Cultivation shall not be within 100 m (328.1 ft.) of a Dwelling as measured from the boundary of the proposed development property line containing the proposed use to the Dwelling

8.3.1 j) A Cannabis Production Facility and/or Cannabis Cultivation must be serviced with suitable water and waste water as determined by the Development Authority. A commercial water well license may be required as a condition of Development Permit approval when municipal servicing is not available.

8.3.1 r) A Cannabis Production Facility and/or Cannabis Cultivation shall not produce any off-site nuisances including but not limited to odour, dust and noise.

7. Add the following regulation to Part 8.3.1

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

Part 9: Land Use Districts are amended in the following respect:

7-8. Add “Cannabis Cultivation” as a discretionary use to the following land use districts:

- a. Part 9.1 Agricultural General District (AG)
- b. Part 9.2 Rural Business District (RB)

8-9. Add “Cannabis Cultivation” as a permitted use in the following land use districts:

- a. Part 9.5 Industrial General District (IG)

9-10. Add “Cannabis Production Facility” as a permitted use to the following land use district:

- a. Part 9.6 Intensive Industrial District (II)