

Minutes of a Public Hearing, regarding Clearwater County Bylaw 1044/18 to amend the Land Use Bylaw 714/01 regarding Cannabis Retail Sales and Cannabis Production Facilities, held in the Clearwater County Council Chambers on October 9, 2018.

The Public Hearing was called to order at 9:01 AM with the following being present:

Reeve:	John Vandermeer
Councillors:	Jim Duncan
	Cammie Laird
	Daryl Lougheed
	Theresa Laing
	Tim Hoven
	Michelle Swanson
Chief Administrative Officer	Rick Emmons
Director, Corporate Services	Murray Hagan
Manager, Planning	Keith McCrae
Planner	Dustin Bisson
Director, Agriculture and Community Services:	Matt Martinson
Manager, Legislative Services	Christine Heggart
Recording Secretary	Tracy Haight

Media: Glen Mazza

Public: Marianne Cole  
Helge Nome  
Joyce Lewin  
Judy Bysterveld  
Dominik Kmet  
Leo Coderre  
Kelly Bysterveld  
Sonam Khaira  
Amanda Amapwu

The Public Hearing process was outlined by Reeve Vandermeer.

The purpose of Bylaw 1044/18 is to amend Land Use Bylaw 714/01 to set considerations and guidelines for development officers and the Municipal Planning Commission when considering future applications for cannabis production facility development and cannabis retail sales, as follows: add special land use provision for cannabis retail sales; allow for the sale of cannabis; and, to provide direction and guidelines for setback of cannabis production facilities from property boundaries with certain attributes in Clearwater County.

At the regular Council meeting held on August 28, 2018, Council reviewed and granted first reading to amendments of sections in the Land Use Bylaw as follows: addition of definitions to the Land Use Bylaw for 'cannabis lounge', 'cannabis retail sales', 'licensed premises', and 'retail shop or store'; addition of Cannabis Retail Sales as a discretionary use in three land use districts for Hamlet Commercial, Highway Development, and Nordegg Service Commercial; and, amendment of a portion of the special land use provision for Cannabis Production Facility in regard to setbacks from existing land uses.

As required by legislation, notice of today's Public Hearing was advertised in the local newspapers and comments were invited from adjacent municipalities. Upon consideration of representations made at the Public Hearing, Council may consider granting second and third readings to

Bylaw 1044/18.

**The Chair invited questions from Council regarding the proposed bylaw.**

D. Bisson responded to questions and explained that although the bylaw includes definition of a 'cannabis lounge', regulations for setbacks are not included as provincial regulations have yet to be determined. He also noted municipal comparatives were used to determine the 100 metres setback for 'cannabis retail sales'.

**The Chair invited comments from referral agencies.**

Municipal Planning Commission

The Municipal Planning Commission recommends that Council consider granting second and third readings to the subject Land Use Bylaw amendments while considering the Town of Rocky Mountain House and Village of Caroline cannabis bylaws.

Neighbouring Municipalities

Red Deer and Lacombe Counties responded with no concerns.

**The Chair invited the Applicant to speak to the proposal, add any comments in support of the request and, respond to the agency comments.**

D. Bisson explained amendments to special land use provisions in Section 7.12(3) for 'cannabis production facilities' that corrects wording.

He also noted that Village of Caroline's and Town of Rocky Mountain House's bylaws related to cannabis sales were taken into consideration in the development of the County's bylaw.

**The Chair invited comments from the public in favour of the proposed bylaw.**

No comments were given

**The Chair asked for written submissions from the public in favour of the proposed bylaw.**

No written submissions were received.

**The Chair invited comments from the public in opposition of the proposed bylaw.**

Marianne Cole, President, Clearwater County Taxpayers' Association (CCTA), distributed a letter addressed to Rick Emmons, CAO, Clearwater County from the CCTA, which a copy is attached to these minutes.

M. Cole presented an overview of her conclusions drawn from research she conducted on the following: Clearwater County's public hearings held on March 27, 2018 for Bylaw 1040/18 to amend the Land Use Bylaw 714/01 regarding Cannabis Production Facilities and, July 24, 2018 for Bylaw 1052/18 to amend the Land Use Bylaw 714/01 regarding the redesignation of +/- 40.0 acres from Agriculture District "A" to Light Industrial District "LI"; Council's August 28, 2018 Regular Meeting Agenda Item D2 Bylaw 1044/18 Amendment to the Clearwater County Land Use Bylaw, Regarding Cannabis Retail Sales & Cannabis Production Facilities; Municipal Government Act Section 640(6); Clearwater County Municipal Development Plan Section 3.2(2)(3); and, Clearwater County Land Use Bylaw Section 7.

M. Cole suggested the following:

- That Council consider neighboring municipalities' bylaws on cannabis production facilities and retail sales;
- That Council reconsider this amendment to Clearwater County's Land Use bylaw for cannabis production facilities and retail sales;
- That Council conduct public engagement on where cannabis production facilities should be located and how/where retail sales should be conducted;
- That Council consider the 'voice of the people'.

M. Cole reviewed Clearwater County's Land use Bylaw 714/01 Part 12(2) Amending Bylaw Process Item 9 and questioned Council on whether further amendments to the Land Use Bylaw is for the benefit and interest of one developer rather than 'the voice of the people'.

M. Cole read a letter from Alan Stone, resident of Clearwater County, noting his concerns with industry taking over country life and with a proposed cannabis production facility development adjacent to his property as follows:

- Noise pollution;
- Water shortage;
- Noxious odors;
- Traffic hazards;
- Decreased property values;
- Light pollution;
- Increased rural crime;
- Harm to the environment.

Councillor Duncan stated he found comments made by M. Cole that insinuate collusion among members of the Municipal Planning Commission, Subdivision and Development Appeal Board and Council, offensive. He noted that the presentation also included comments not related to today's public hearing. He clarified that the Land Use Bylaw establishes rules and regulations for land development and shows no bias towards businesses.

Councillor Laing stated the purpose of this bylaw is to deal with a land use amendment and is unrelated to development permit applications.

Councillor Hoven stated that comparative bylaws from neighbouring municipalities, land ownership principles and factual information, rather than emotion, should be given consideration when determining land use.

Dominik Kmet, resident of Leslieville, noted his concerns with cannabis retail sales being in close proximity to youth and suggested 'school ground' should also be identified in the bylaw.

Judy Bysterfeld, Clearwater County resident, requested that Council delay second and third readings of this bylaw pending the outcome of the Subdivision and Development Appeal Board Hearing on Development Permit 109/18 for construction and operation of a cannabis production facility.

Helge Nome, Clearwater County resident, noted his concerns with rushing this bylaw through before considering public feedback.

Reeve Vandermeer stated that municipalities are required to have bylaws in place before the federal government legalizes cannabis consumption on October 17, 2018.

H. Nome noted his concerns with the public's perception that Council is amending the Land Use Bylaw for the benefit of a developer.

**The Chair asked for written submissions from the public in opposition of the proposed bylaw.**

Written submissions in opposition of the application were received from Judy Bysterveld and Joyce Lewin.

**The Chair invited Applicant to present final remarks.**

D. Bisson stated that Bylaw 1044's purpose is to add regulations for cannabis retail sales under special land use provisions and remove wording in Bylaw 1040 that was inadvertently included. The intention of Bylaw 1044, which is the same as Bylaw 1040, is to prevent development of a cannabis production facility, on property not located within a business park, within 300 metres of an existing residence, religious assembly, school, child care facility, community hall, public recreation facility and/or property zoned recreational.

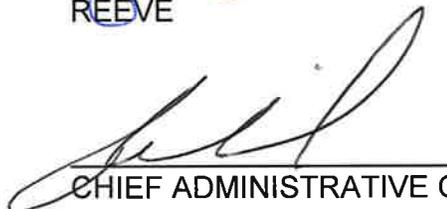
K. McCrae confirmed the intent of Bylaw 1044 is to also create consistency of setbacks related to residents and facilities and not to create a greater setback than what is in policy for agriculture residential/residential.

He also noted it is not necessary to delay a decision on this bylaw as it is unrelated to the decision on Development Permit 109/18 and legislative requirements for public feedback have been met.

He explained that the Planning Department conducted thorough research on cannabis bylaws, including municipal comparatives within the province.

**The Chair closed the Public Hearing at 10:31 am**

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER

ATTACHMENT

Clearwater County Taxpayers' Association  
c/o Marianne Cole  
RR #1  
Rocky Mountain House, AB T4T 2A1

Mr. Rick Emmons, CAO Clearwater County  
Box 550  
Rocky Mountain House, AB T4T 1A4  
October 9, 2018

Dear Mr. Emmons:

I am writing this letter on behalf of the Clearwater County Taxpayers' Association in response to the County's plans to amend the Land Use Bylaw regarding Cannabis Production Facilities.

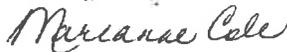
At our last meeting it was decided that we write a letter to express our distinct opposition to changes in Land Use Bylaw 1044/18, specifically the proposed amendments to Section 7, Special Land Use Provisions, 7.12 Cannabis Production Facilities (3).

We strongly feel that these types of operations belong only in industrial parks and would certainly support a bylaw with that stipulation. Conversely, we do not want to see large commercial operations such as these in the rural areas, taking up agricultural land and infringing on the rural lifestyle.

Furthermore, we feel it could set a very negative precedence for the County to consider changing a bylaw to accommodate one specific group.

For these reasons we ask that Council oppose the amendments to the afore-mentioned Land Use Bylaw.

Yours truly,



Marianne Cole, President

CC: Mr. Jim Duncan, Division 1  
Mrs. Cammie Laird, Division 2,  
Mr. Daryl Lougheed, Division 3,  
Mr. John Vandermeer, Division 4,  
Mrs. Theresa Laing, Division 5,  
Mr. Tim Hoven, Division 6,  
Mrs. Michelle Swanson, Division 7