

BYLAW NO. 1040/18

A Bylaw of Clearwater County, in the Province of Alberta, for the purpose of amending the Land Use Bylaw, being Bylaw No. 714/01.

PURSUANT to the Authority conferred upon it by the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26.1 and amendments thereto, and;

WHEREAS, a Council is authorized to prepare, to adopt, and to amend a Land Use Bylaw to regulate and control the use and development of medical marijuana production facilities within the Municipality;

NOW, THEREFORE, upon compliance with the relevant requirements of the Municipal Government Act, the Council of the Clearwater County, Province of Alberta, duly assembled, enacts that the Land Use Bylaw be amended as follows:

1. Part One: General

1.7 Definitions

Amend the following definitions to read:

“FARMING” means the use of land or buildings for the planting, raising, growing, production and sale of crops, livestock, poultry, trees and shrubs, wildlife, game, bees, honey, milk, and eggs; but does not include game farming or game ranching for viewing, tourism or recreational purposes, market gardening, sod farming or medical marijuana production facilities.

“FARM BUILDING” means the improvements used in connection with the raising or production of crops, livestock, poultry, nursery trees and shrubs, fish, wildlife, game, fur production or bee keeping and situated on land used in connection with such farming operations, but does not include a dwelling, or any buildings associated with a medical marijuana production facility.

“FARM SUBSIDIARY BUSINESS” means a business for an occupation, trade, profession or craft approved in accordance with this Bylaw to be carried out on the farm unit as a use secondary and subordinate to the agricultural use and employing not more than two employees. This shall not include a medical marijuana production facility.

“GREENHOUSE” means a building specially designed and used for the growing of vegetables, flowers and other plants for transplanting or for sale, excluding medical marijuana production facilities.

“HOME OCCUPATION” means a development consisting of the use of part of a dwelling unit or ancillary building by a resident of the dwelling unit for an occupation, trade, profession, business or craft as a use secondary and subordinate to the residential use of the parcel of land. This shall not include a medical marijuana production facility.

“MARKET GARDEN” means the growing of vegetables or fruit for commercial purposes, but does not include a medical marijuana production facility.

Add the following definition:

“MEDICAL MARIJUANA PRODUCTION FACILITY” means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging and shipping of medical marijuana as permitted and licensed by the Federal Government of Canada.”

2. Part Seven: Special Land Use Provisions

Add the following under Part Seven: Special Land Use Provisions

7.12 Medical Marijuana Production Facility

- (1) Clearwater County should direct medical marijuana production facilities to locate in a business park
- (2) All medical marijuana production facilities, applying for a development permit, within a business park, must be located outside of a 50 m radius of a property boundary, that has any of the following attribute:
- (a) an existing residence;
 - (b) zoned recreational facility district;
 - (c) an existing religious assembly use;
 - (d) an existing school;
 - (e) an existing child care facility;
 - (f) an existing community hall;
 - (g) public recreation
- (3) All medical marijuana production facilities applying for a development permit on a standalone industrial parcel, must be located outside of a 300 m radius from a property boundary, that has any of the following attribute:
- (a) an existing residence;
 - (b) zoned recreational facility district;
 - (c) an existing religious assembly use;
 - (d) an existing school;
 - (e) an existing child care facility;
 - (f) an existing community hall;
 - (g) public recreation
- (4) Medical marijuana production facilities shall:
- (a) be contained in a fully enclosed stand-alone building;
 - (b) be the only use permitted on a parcel, with the allowance for an ancillary building on the parcel;
 - (c) must not have any outside storage of goods, materials, and supplies;
 - (d) No use or operation shall cause or create conditions that may be objectionable or dangerous beyond the building that contains it.
 - (e) Follow the Federal Government Directive on Physical Security Requirements for Controlled Substances.
- (5) The Development Officer or Municipal Planning Commission shall not approve a development permit for a Medical Marijuana Production Facility unless, in its opinion, it is satisfied that the proposed use is suitable, harmonious, appropriate and compatible with the existing quality of life in the surrounding area.
- (6) In evaluating the appropriateness of a development permit application for a Medical Marijuana Production Facility, the Development Officer or Municipal Planning Commission 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 (the locations of access/egress points shall not route traffic through residential areas);
 - (d) lighting and signage;
 - (e) any other matters considered appropriate.

3. Part Thirteen: Land Use Districts

13.4 (5) Industrial District

Add the following under discretionary use:

31. Medical Marijuana Production Facility

13.4 (6) Light Industrial District

Add the following under discretionary use:

16. Medical Marijuana Production Facility

13.4 (23) Nordegg Industrial District

Add the following under discretionary use:

31. Medical Marijuana Production Facility

READ A FIRST TIME this _____ day of _____ A.D., 2018.

REEVE

MUNICIPAL MANAGER

PUBLIC HEARING held this _____ day of _____ A.D., 2018.

READ A SECOND TIME this _____ day of _____ A.D., 2018.

READ A THIRD AND FINAL TIME this _____ day of _____ A.D., 2018.

REEVE

MUNICIPAL MANAGER

