

STRATEGIC INITIATIVE AND UPDATE**Cannabis production facilities and separation distances to existing dwellings****Report Purpose**

To provide information to the Priorities Committee to address a Motion Council approved on June 5, 2018.

Our Prioritized Strategic Goals

Goal 3 - Cultivate economic diversification, within the petro-chemical industry and beyond, through a business-friendly environment

Report

On June 5, 2018, Council approved the following motion:

THAT Council direct administration to prepare a report on the advisability of an amendment to the Strathcona County Land Use Bylaw (LUB) 6- 2015 in AG-Agriculture: General district by the fourth quarter of 2018 that:

1. A cannabis production facility with a total area greater than 1000 m² shall meet the minimum separation distance of 500m between an existing dwelling and the cannabis production facility site.
2. The minimum separation distance between the existing dwelling and a cannabis production facility site shall be established by measuring the shortest distance between the external wall of the nearest dwelling and the boundary of the cannabis production facility site.

Background:

Currently, a cannabis production facility is listed as a discretionary use in the AG: Agriculture: General District. As a discretionary use, the development authority may issue a decision to refuse an application or may issue an approval with or without conditions, with or without changes in the development, or with or without the imposition of regulations that are more restrictive than those in the Zoning District, the General Regulations or Specific Use Regulations found in of the LUB.

Where a use is discretionary, the development authority can consider whether what is being proposed is appropriate and compatible with uses in the area and consider items such as the scale of development, potential adverse effects and nuisance. It allows for the development authority to apply appropriate land-use conditions that will assist in addressing compatibility, scale, and potential nuisance. It also allows for consideration of land-use concerns of affected landowners and provides the ability to appeal a decision that they do not agree with.

Proposed separation distance:

The LUB does not currently provide specific-use regulations for a cannabis production facility, nor is there a separation distance required between a proposed facility and an existing dwelling.

Priorities Committee Meeting_Jan26_2021

The current LUB has limited instances requiring additional setback regulations from specific developments to existing dwellings. Examples include:

- animal boarding facility or animal breeding facility (where there is greater than six dogs) is required to be located 75m from any property line or 150m from any dwelling on an abutting property,
- the C6 district has a requirement for campgrounds that abut a residential zoning district to be setback a minimum of 100m.

As potential noise and odours from proposed cannabis production facilities have been of significant concern for residents, administration has compared the proposed 500m separation distance to separation distances imposed on development by the province for possible odour and noise-generating uses. The provincial regulations relative to residences impose that:

- a development authority shall not issue a permit for **a wastewater treatment plant** unless the working area of the wastewater treatment plant is at least 300m from the building site for an existing or a proposed residence
- a development authority shall not issue a permit for **a landfill** unless:
 - (a) the working area of the landfill is situated at least 450m, and
 - (b) the disposal area of the landfill is situated at least 300m from the property line of a residential use or building site proposed for a residence.

The Natural Resources Conservation Board does impose setbacks for a **confined feeding operation** to certain types of residences and calculates the minimum distance separation as the distance between the closest wall of the proposed facility to the wall of the nearest residence. This separation distance will range depending on the type of facility and estimated number of animals.

The province has not imposed any regulations with respect to separation distances for cannabis production facilities from a dwelling as under federal regulations, the mechanical systems required to be in place for cannabis production facilities are meant to mitigate odour.

Summary:

Council shapes our community through its authority over land use planning and development control and is tasked with the responsibility of balancing the needs and concerns of business with the needs and concerns of property owners and residents. With the legalization of cannabis, municipalities were required to establish regulations and balance economic, social, and environmental factors related to this new industry that would best work for their community.

Should Council wish to move forward with the LUB amendment noted in the June 5 motion, it will be a challenge to provide the rationale to a potential proponent as to why the 500m separation is required. The setbacks noted above for certain proposed uses in the current LUB and provincial regulations are in place to specifically address items such as potential noise or odour but with lesser distances than the proposed 500m.

Implementing a minimum separation distance from cannabis production facility property boundaries to existing dwellings may address some of the concerns of neighbouring property owners and would be a clear consideration for applicants in advance of submission.

Author: Ryan Hall, Planning and Development Services

Director: Linette Capcara, Planning and Development Services

Associate Commissioner: Stacy Fedechko, Infrastructure and Planning Services

Lead Department: Planning and Development Services

Priorities Committee Meeting_Jan26_2021

Bearing in mind, the impact of having a 500m setback requirement to an existing dwelling from the property boundaries of the cannabis production facility would mean limited opportunity for cannabis production facilities to locate in the rural area. There may also be an impact in the Urban Service Area in some locations.

Council and Committee History

June 23, 2020	Council approved extending the deadline for the June 5, 2018 report on cannabis setbacks.
February 26, 2019	Council approved extending the deadline for the June 5, 2018 report cannabis setbacks.
June 5, 2018	<p>Council made the following motion: THAT Council direct administration to prepare a report on the advisability of an amendment to the Strathcona County LUB in AG-Agriculture: General district by the fourth quarter of 2018 that:</p> <ol style="list-style-type: none">1. A cannabis production facility with a total area greater than 1000 m² shall meet the minimum separation distance of 500 meters between an existing dwelling and the cannabis production facility site.2. The minimum separation distance between the existing dwelling and a cannabis production facility site shall be established by measuring the shortest distance between the external wall of the nearest dwelling and the boundary of the cannabis production facility site.
January 23, 2018	Council adopted Bylaw 68-2017 creating a definition in the LUB for "cannabis production facility" and for it to be listed as a discretionary use in the IM – Medium Industrial Zoning District and the AG – Agriculture: General District.
December 12, 2017	<p>Council approved the motion "THAT administration prepare a bylaw to amend the LUB to:</p> <ul style="list-style-type: none">• define cannabis production facilities;• add cannabis production facilities to the list of discretionary uses in the IM: Medium Industrial Zoning District; and• exclude cannabis production facilities from the definitions for "agriculture, general", "agriculture, intensive horticulture", "agriculture, product processing" and "greenhouse" and <p>THAT the bylaw be advertised for a public hearing to be held on January 23, 2018"</p>
November 7, 2017	Council adopted Bylaw 63-2017 which amended the LUB to add agriculture, intensive horticulture and agriculture, product processing as discretionary uses in the IM – Medium Industrial zoning district.
September 12, 2017	Council adopted Bylaw 55-2017 which amended LUB to move agriculture, intensive horticulture to a discretionary use in those districts where it was listed as a permitted use.

Priorities Committee Meeting_Jan26_2021

August 14, 2017 Council approved the motion "THAT administration bring forward recommendations to change the LUB in order to address and place land use regulations on licensed cannabis growing, production, distribution and processing facilities, including consumption, to reflect current and proposed changes in federal regulations by the end of second quarter of 2018."

Other Impacts

Policy: n/a

Legislative/Legal: Any amendments to the LUB related to cannabis would require legal review and consultation.

Interdepartmental: n/a

Master Plan/Framework: n/a

Communication Plan

If amendments to the Land Use Bylaw are required, a Public Hearing would have to be held in accordance with the *Municipal Government Act*.