

VILLAGE OF CAROLINE

VILLAGE COUNCIL

Minutes of the Public Hearing and Special Council Meeting of Village Council, Province of Alberta, held on Tuesday, November 13, 2018 in the Council Chambers of the Village Office, 5004-50 Avenue, Caroline, Alberta.

1. Call to Order

Deputy Mayor Ceasor called the meeting to order at 6:32 pm, with the following in attendance:

Mayor, John Rimmer Late, joined meeting at 6:38pm.
Councillors: Mary Bugbee, Bill Sumyk and Kim Ceasor;
Chief Administrative Officer: Melissa Beebe
Recording Secretary: Lyndsay Hindbo, Assistant CAO

Absent: Councillor Parsons

Public: None.

2. Public Hearing

2.1 Bylaw 2018-006 Land Use Bylaw Amendment - Cannabis

In April 2017 the federal government introduced legislation to legalize and regulate cannabis in Canada. Bill C-45 received royal assent June 21, 2018, and came into force on October 17, 2018. The Provincial Government has passed Bill 26: An Act to Control and Regulate Cannabis. The passage of the provincial legislation means licensed establishments will be accommodated in the province, prior to cannabis being legal in October. The purpose of Bylaw 2018-006 – amends the Land Use Bylaw No 450 to include definitions and regulations for Cannabis Retail Sales and Cannabis Production within the municipality.

As the Land Use Bylaw regulates how land in the Village can be used and developed. It is proposed for amendment to address the changes in legislation relating to cannabis. The Land Use Bylaw contains both a map and text. The map divides the Village into land use districts and applies to the existing built up portions of Caroline as well as new growth areas within the current municipal boundary. The text defines the types of uses which may take place in each district, and the regulations which must be followed during development. It also establishes a method of making decisions on applications for development permits.

The bylaw No. 2018-006 amendment includes:

- New Definitions for: Cannabis, Cannabis Retail Sales, Cannabis Accessory, Cannabis production and Distribution, Cannabis Lounges, Medical Cannabis, Medical Cannabis Counselling and Medical Cannabis Production Facility.
- Amendments to Definitions for: Cartage and Freight Terminal, Drive-In Business, Heavy Manufacturing, Home Occupation, Indoor Merchandise Sales, Light Manufacturing, Office, personal Service, Neighbourhood Convenience Store, and Warehousing.
- Introduction of use specific regulations for Cannabis Retail Sales.
- Introduction of Cannabis Retail Sales as a Discretionary Use in the Commercial (C) and Highway Commercial (HC) districts.
- Introduction of the Cannabis Production and Distribution and Medical Cannabis Production Facility as a Discretionary Use into the Industrial District (I).

Alberta Gaming, Liquor and Cannabis Commission (AGLC)

The Provincial Government introduced regulations for Cannabis Retail licensing through the *Gaming, Liquor and Cannabis Regulation*. This regulation contains several setback requirements for licensees, including the following:

- a premises described in a cannabis licence may not have any part of an exterior wall that is located within 100 metres of
 - a provincial health care facility or a boundary of the parcel of land on which the facility is located,
 - a building containing a school or a boundary of a parcel of land I which the building is located, or
 - a boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the Municipal Government Act.

These setback distances are the minimum requirements for Cannabis licenses.

Proposed Regulatory Approach

The AGLC regulations for Cannabis Retail Sales setbacks are Administration and Planning Staff's recommendation for the Land Use Bylaw. Cannabis Retail Sales are similar in nature to alcohol sales, with no required setback distances for alcohol sales from sensitive uses within the Land Use Bylaw. The security measures and advertising requirements of the Provincial regulations are thorough, and do not allow for minors to be on the premises. The AGLC regulations are sufficient in buffering the sensitive uses, such as the Caroline School, from exposure and access to cannabis.

Attached Bylaw No. 2018-006 adds Cannabis Retail Sales as a discretionary use in the Commercial (C) and Highway Commercial (HC) districts. As a discretionary use, the Development Authority will have the discretion to approve or deny a permit based on the land use bylaw regulations, and any other planning considerations which may be relevant to a specific application. Separation distances of 100m from all parcels containing a school have been included, in keeping with the provincial regulation. The Bylaw states that no variances are permitted for any separation distance or use regulations to ensure regulations are consistently applied.

Use regulations are included to limit the sale hours of the retail locations to those used by the AGLC, and to ensure adequate on-site parking is provided. Drive-through windows are being prohibited to limit the accessibility and exposure of the products.

Bylaw No. 2018-006 adds Cannabis Production and Distribution and Medical Cannabis Production Facility as discretionary uses in the Industrial (I) District. These facilities are not subject to the setback distances that apply to the retail sales of cannabis.

Administration advised The Public Hearing and proposed Bylaw were advertised in the Western Star and Village Facebook page, in accordance with the Municipal Government Act, prior to this meeting. A copy of the Public Hearing notice and proposed bylaw were also circulated to referral agencies for comment and received the following responses:

- *Alberta Transportation, no objections but retail adjacent the highway would require completion of a roadside development permit application.*
- *Clearwater County, no concerns*
- *ATCO Gas, no concerns*
- *Alberta Health Services recommendations as follows:*
 - *Ban public consumption,*
 - *Strengthen bylaws that protect against the harms of smoking,*
 - *Consider bylaws that ban smoking in multi-unit housing.*
 - *Recommends against co-location of cannabis sales with alcohol and tobacco, proposed bylaw does not include limits on co-location of cannabis and alcohol or tobacco retail sales outlets,*
 - *Recommends a 100m minimum distance between cannabis stores and tobacco and liquor retailers,*
 - *Limit the number of cannabis stores and implement density and distance controls to prevent store clustering, while keeping buffer zones around areas where children and youth frequent,*
 - *Recommends a 300m minimum setback distance between cannabis stores and schools, areas frequented by children including day cares community centres and sports facilities,*
 - *The Village of Caroline is approximately 600m in diameter and 2.0 km², setback distances may pose a challenge, and it is recommended you give careful consideration to the density and permissible locations of cannabis retail outlets,*
 - *Restricting hours of operations to reduce harm,*
 - *Community engagement plan and cannabis education component be added to the application processes for retail cannabis businesses,*
 - *Recommends municipalities start with more protective regulations to reduce harms.*

Alberta Health Services (AHS) has provided a list of recommendations for Bylaw 2018-006. The first 3 recommendations are intended for Public

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Consumption, which Bylaw 2018-006 does not consider. The Village may refer to these recommendations in the future, at such time a bylaw for public consumption of cannabis is considered or proposed.

Bylaw 2018-006 does contain a clause (6(1).2) that does prohibit co-location of retail sales with any other use. Tobacco and liquor sales have not been listed specifically, but the clause as worded would prohibit co-location with any other use.

A separation distance between cannabis retail sales and tobacco and liquor sales has not been included in Bylaw 2018-006. Available commercial space in Caroline is limited, including this separation distance would further limit or possibly eliminate possible locations for cannabis retail sales in Caroline.

The AGLC regulation for separation distance between cannabis sales and schools is 100m. This distance was not increased to the AHS recommendation, as the 300m separation distance would virtually eliminate all currently existing commercial lands in the Village. Including more uses within this category would have the same effect, eliminating more possible locations for cannabis retail sales through separation distances. This separation distance, and the uses it applies to, are something the Village can reassess in the future if they feel more protective regulations are required.

The hours of operation in Bylaw 2018-006 have not been varied from the AGLC regulation.

The business licensing aspect of cannabis retail sales has not been addressed in Bylaw 2018-006. If the Village feels community engagement is required for licensing on the part of the retailer, that is something that the Village can explore and implement in the future.

Deputy Mayor Ceasor declared the Public Hearing for Bylaw 2018-006, Land Use Bylaw Amendment - Cannabis closed at 6:47pm.

3. Call to order
Mayor Rimmer called the Special Council meeting to order at 6:48 pm with the following in attendance:

Mayor, John Rimmer
Councilors: Mary Bugbee, Bill Sumyk and Kim Ceasor;
Chief Administrative Officer: Melissa Beebe
Recording Secretary: Lyndsay Hindbo, Assistant CAO

Absent: Councillor Parsons
Public: Jayme Hunter joined meeting at 7:33pm.

4. Adoption of
Agenda

Motion 264.11.18
Moved by Councillor Ceasor to adopt the agenda as presented.

CARRIED

5. Business

5.1 Bylaw 2018-006 Land Use Bylaw Amendment – Cannabis

Motion 265.11.18

Moved by Councillor Bugbee to proceed to second reading of Bylaw 2018-006 Land Use Bylaw Amendment – Cannabis

CARRIED

Motion 266.11.18

Moved by Councillor Ceasor to proceed to third and final reading Bylaw 2018-006 Land Use Bylaw Amendment – Cannabis

CARRIED

- 5.2 Request from Verde Solutions (Private Solar Company) to have Village Authorization for FortisAlberta Inc. to release customer information to a third party and customer consent and approval for a third party to act on customer's behalf (Village).

Motion 267.11.18

Moved by Councillor Ceasor moved to table the Verde Solutions authorization

request to the next regular council meeting.

CARRIED

6. Adjournment

Motion 268 11 18

Moved by Councilor Ceasor to adjourn special council meeting at 7:35 pm.

CARRIED



MAYOR



CHIEF ADMINISTRATIVE OFFICER