



Regular Council Meeting
Council Chambers
September 17, 2018
6:00 p.m.

1. **Call to Order**
Moment of Reflection
2. **Public Hearing**
2.1 2018-06 Agenda (to be provided at the meeting)
3. **Agenda – Amendments and Adoption**
3.1 September 17, 2018 Regular Council Meeting
4. **Adoption of Previous Minutes**
4.1 September 10, 2018 Regular Council - Page 1
5. **Delegation**
6. **Bylaws**
6.1 Bylaw 2018-11 Land Use Bylaw Amendment to Address Cannabis Production Facility and Cannabis Retail Store Uses - Page 7
7. **Old Business**
8. **New Business**
9. **Administration**
9.1 RFD Local Improvement Tax - Page 14
10. **Notice of Motion**
11. **Municipal Area Partnership (MAP)**
12. **Council Committee Reports**
13. **Inquiries Between Councillors or to Administration**
14. **Council Invitations / Correspondence**
15. **In Camera – Notice to Public**



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16. In Camera

16.1 Privileged Information – FOIPP Section 27

17. Adjournment

Personal information heard in this meeting is being collected under the authority of Section 33 of the *Freedom of Information and Protection of Privacy Act*. Public meeting of the Town of Sundre, including presentations made by speakers, are recorded in Minutes and posted on the Town of Sundre website. If you have any questions about the collection of information, please contact the FOIP Coordinator at 403-638-3551 ext. 114.



Regular Council Meeting
Minutes
September 10, 2018

The regular meeting of Council of the Municipality of Sundre was held in Council Chambers in the Municipal Office on Monday, September 10, 2018, commencing at 6:00 p.m.

IN ATTENDANCE

Deputy Mayor Cheri Funke
Councillor Charlene Preston
Councillor Richard Warnock
Councillor Rob Wolfe

Staff:

Chief Administrative Officer, L. Nelson
Director of Planning and Economic Development, M. Marko
Acting Director of Corporate Services, C. Albert
Manager of Operations, J. Hall
Special Projects Administrator / Development Officer, B. Fountain
Development Officer, M. Smith
Legislative Executive Assistant, C. Robey

Absent:

Mayor Terry Leslie
Councillor Paul Isaac
Councillor Todd Dalke

Public:

6 Members
Ms. Krystal Clements, Sales and Fundraising Manager, Enbridge Ride to Conquer Cancer
Ms. Lea Smaldon, Managing Editor, Mountain View Publishing Inc.

CALL TO ORDER

The meeting was called to order at 6:00 p.m., with a moment of reflection on the business of the evening.

PUBLIC HEARING

2018-05 Agenda:

Bylaw 2018-10 Land Use Bylaw

Deputy Mayor Funke called the Public Hearing to order at 6:01 p.m.

Deputy Mayor Funke read in to the Minutes the Purpose of Bylaw 2018-10:

The purpose of Bylaw 2018-10 is to provide the Town of Sundre with a Land Use Bylaw, pursuant to Section 640 of the *Municipal Government Act*. The current Land Use Bylaw 705 adopted in

1997, will be repealed. Administration's goal is to provide staff, key stakeholders and the public a document that is clear, and concise in its interpretation of the requirements of the Land Use Bylaw. Administration has rewritten the Land Use Bylaw to modernize it, align it with today's construction industry, provide innovative Uses for entrepreneurial development, and to provide clear general, Use and sign definitions. The general regulations and Uses have been aligned with the Land Use Districts in Part Four.

Chief Administrative Officer, Linda Nelson read in to the Minutes the Confirmation of Notices:

Notification of the Public Hearing for Bylaw 2018-10 was published in the local newspaper on August 28 and September 4, 2018. On August 7, key stakeholders (Developers, Builders and local business owners) were notified via email and Canada Post the date for the Public Hearing and provided with a copy of the Bylaw 2018-10 for review and comment. On August 22, 2018 Administration hosted a Public Participation and Information Session, where attendees were notified of the date of the Public Hearing.

Director of Planning and Economic Development, Mike Marko delivered the Planning Report.

Legislative Executive Assistant, Cynthia Robey read in to the Minutes the following Public Communication (letters/emails):

Letter from Mountain View County, Planning & Development Services, dated August 23, 2018.
Email from Mr. Owen Petersen, dated September 9, 2018.

The following person(s) spoke in Favour of the Bylaw: none

The following person(s) spoke in Opposition to the Bylaw: none

Development Officer provided a closing statement.
There were no questions from Council.

Res. No. 344-18-09-10

MOVED by Councillor Warnock to close the Public Hearing relating to Bylaw 2018-10, at 6:18 p.m., and to return to the open meeting of Council.

CARRIED

AGENDA – AMENDMENTS AND ADOPTION

Res. No. 345-18-09-10

MOVED by Councillor Wolfe that the Agenda be approved, with the following changes:

- Addition under *Administration*: 11.1 Main Avenue Project - Update
- Removal under *Notice of Motion*: 12.1 Recreation Boards
- Change under *New Business*: 10.3 RFD Motion
- Addition under *Inquiries*: 15.1 Police Act Working Group, Deputy Mayor Funke

CARRIED

ADOPTION OF THE PREVIOUS MINUTES

Res. No. 346-18-09-10 MOVED by Councillor Preston that the Minutes of the Regular Meeting of Council held on August 20, 2018, be approved as presented. **CARRIED**

Res. No. 347-18-09-10 MOVED by Councillor Warnock that the Minutes of the Special Meeting of Council held on August 28, 2018, be approved as presented. **CARRIED**

DELEGATION

Enbridge Ride to Conquer Cancer
Presentation.

BYLAWS

Res. No. 349-18-09-10 **Bylaw 2018-10 Land Use Bylaw**
MOVED by Councillor Warnock that the Town of Sundre Council give Second Reading to Bylaw 2018-10, being the Land Use Bylaw of the Town of Sundre, with amendments as presented. **CARRIED**

Res. No. 350-18-09-10 MOVED by Councillor Preston that the Town of Sundre Council give Third Reading to Bylaw 2018-10, being the Land Use Bylaw of the Town of Sundre, with amendments as presented. **CARRIED**

Res. No. 351-18-09-10 **Bylaw 2018-15 Debenture Borrowing Bylaw**
MOVED by Councillor Wolfe that the Town of Sundre Council give First Reading of Bylaw 2018-15, being a Bylaw authorizing the Council of the Town of Sundre to incur indebtedness by the issuance of a debenture in the amount of \$1,483,000 for the purpose of Main Avenue West Upgrade. **CARRIED**

OLD BUSINESS**IN CAMERA – NOTICE TO PUBLIC**

Deputy Mayor Funke excused all public members at 6:32 p.m., and advised that they are welcome to wait in the lobby to rejoin the Council Meeting after the In-Camera session concludes.

The following were in attendance for the In-Camera session:

Staff: Ms. Linda Nelson, CAO

Public: No Members

Res. No. 352-18-09-10 MOVED by Councillor Wolfe that Council go into In-Camera at 6:33 p.m. **CARRIED**

IN CAMERA

Topic of In Camera: ***Advice From Officials – FOIPP Section 24 (1)***

Res. No. 353-18-09-10 MOVED by Councillor Warnock that Council return to open meeting at 6:38 p.m. **CARRIED**

Deputy Mayor Funke directed Administration to invite any public members in the lobby to rejoin the meeting.

Res. No. 354-18-09-10 **RFD Intermunicipal Collaboration Framework Master Agreement**
MOVED by Councillor Warnock that the Council of the Town of Sundre approve the Intermunicipal Collaboration Framework Master Agreement, and that the Mayor and Chief Administrative Officer be authorized to sign the Agreement on behalf of the Town of Sundre. **CARRIED**

Res. No. 355-18-09-10 **RFD Recreation and Culture Funding Sub-Agreement**
MOVED by Councillor Wolfe that the Council of the Town of Sundre approve the Recreation and Culture Funding Sub-Agreement and that the Mayor and Chief Administrative Officer be authorized to sign the Agreement on behalf of the Town of Sundre. **CARRIED**

NEW BUSINESS

Res. No. 356-18-09-10 **RFD Mountain View Regional Waste Management Commission, Change to Schedule A of the Waste Services Agreement**
MOVED by Councillor Preston that the Town of Sundre Council accept the letter, pending a response to the Town's letter to Mountain View Regional Waste Management Commission, as information. **CARRIED**

Res. No. 357-18-09-10 **RFD Response Letter to Mountain View Regional Waste Management Commission**
MOVED by Councillor Preston that the Town of Sundre Council accept the Town's response letter to Mountain View Regional Waste Management Commission, concerning the change to Schedule A of the Waste Services Agreement, as information. **CARRIED**

Res. No. 358-18-09-10 **RFD Proclamation – Development Officer's Week**
MOVED by Councillor Warnock that the Town of Sundre Council proclaim the week of September 24-28, 2018 as Alberta Development Officer's Week in the Town of Sundre. **CARRIED**

ADMINISTRATION

Main Avenue Project
Update.

NOTICE OF MOTION

MUNICIPAL AREA PARTNERSHIP

COUNCIL REPORTS***1. July / August 2018 Report to Council, Deputy Mayor Funke******Res. No. 360-18-09-10***

MOVED by Councillor Warnock to accept the Council Report(s), as information.

CARRIED**INQUIRIES BETWEEN COUNCILLORS OR TO ADMINISTRATION****Police Act Working Group**

Deputy Mayor Funke will participate starting in October 2018.

COUNCIL INVITATIONS / CORRESPONDENCE

- 1. 08.15.18 Town of Didsbury, Re: Resolution Requesting Support for Fair Taxation of Cannabis Grow Operations***
- 2. 08.22.18 Greenwood Neighbourhood Place, Community Initiative Program Operating Grant, CAO Letter of Support***
- 3. 08.30.18 Red Deer River Municipal Users Group, Water Source Protection***
- 4. 08.31.18 Mountain View County, Recreation and Culture Funding, Office of the Mayor***

Res. No. 361-18-09-10

MOVED by Councillor Wolfe that the Town of Sundre Council accept the correspondence from the Town of Didsbury concerning the resolution requesting support for fair taxation of cannabis grow operations, as information.

CARRIED***Res. No. 362-18-09-10***

MOVED by Councillor Preston that the Town of Sundre Council accept the correspondence regarding the CAO's letter of support for Greenwood Neighbourhood Place's application for a Community Initiative Program Grant, as information.

CARRIED***Res. No. 363-18-09-10***

MOVED by Councillor Warnock that the Town of Sundre Council accept the correspondence from the Red Deer River Municipal Users Group concerning Source Water Protection, as information.

CARRIED***Res. No. 364-18-09-10***

MOVED by Councillor Wolfe that the Town of Sundre Council accept the Mayor's correspondence to Mountain View County concerning Recreation and Culture Funding, as information.

CARRIED

ADJOURNMENT

Res. No. 365-18-09-10

MOVED by Councillor Warnock being that the Agenda matters have been concluded the meeting adjourned at 7:00 p.m. **CARRIED**

These Minutes approved this 17th day of September, 2018.

Deputy Mayor

Chief Administrative Officer



REQUEST FOR DECISION

COUNCIL DATE: September 17, 2018

SUBJECT: BYLAW 2018-11
LAND USE BYLAW AMENDMENT TO ADDRESS CANNABIS PRODUCTION
FACILITY AND CANNABIS RETAIL STORE USES

ORIGINATING DEPARTMENT: PLANNING & DEVELOPMENT

AGENDA ITEM: 6.1

BACKGROUND/PROPOSAL:

The purpose of Bylaw 2018-11 is to amend the Land Use Bylaw to provide for Cannabis Production Facility and Cannabis Retail Store Uses in anticipation of the Government of Canada adopting the proposed Cannabis Act. The proposed land use bylaw amendment is proactive to prepare for the legalization of cannabis on October 17, 2018. The bylaw amendment was prepared in conjunction with an on-line public opinion survey, stakeholder input and feedback and Public Information Meeting held on August 22, 2018. The bylaw amendment aligns the Town's land use bylaw with anticipated new and emerging economic opportunities in a controlled and responsible environment.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

See attached staff report.

ADMINISTRATION RECOMMENDATIONS:

Administration recommends that Council give Second and Third Reading to Land Use Bylaw 2018-11 with amendments as presented.

COSTS/SOURCE OF FUNDING:

N/A

ALIGNMENT WITH STRATEGIC PLAN:

Bylaw 2018-11 was prepared in alignment with Council's Strategic Priorities as follows:

Sustainable Governance – transparency by circulating the draft bylaw to key stakeholders, conducting a community survey in June, advertising survey and bylaw in the newspaper and website, and follow up with a public information meeting to deliver survey results and explanation on the proposed bylaw.

Financial Stability – recognition of new uses that provide business opportunities in the Town.

Risk Management – research conducted to ensure responsible public safety.

MOTION:

THAT the Town of Sundre Council give Second Reading to Bylaw 2018-11, being a Bylaw to Amend the Land Use Bylaw to provide for Cannabis Production Facility and Cannabis Retail Store Uses, with amendments as presented.

THAT the Town of Sundre Council give Third Reading to Bylaw 2018-11, being a Bylaw to Amend the Land Use Bylaw to provide for Cannabis Production Facility and Cannabis Retail Store Uses.

ATTACHMENTS:

Staff Report and Bylaw 2018-11

Date Reviewed: September 13, 2018 CAO: Linda Nelson



REPORT FOR COUNCIL

COUNCIL DATE: September 17, 2018

SUBJECT: BYLAW 2018-11
LAND USE BYLAW AMENDMENT TO ADDRESS CANNABIS PRODUCTION
FACILITY AND CANNABIS RETAIL STORE USES

REPORT WRITER: DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT

PURPOSE OF AMENDMENT:

The purpose of Bylaw 2018-11 is to amend the Land Use Bylaw to provide for Cannabis Production Facility and Cannabis Retail Store Uses in anticipation of the Government of Canada adopting the proposed Cannabis Act.

BACKGROUND:

Bylaw 2018-11 was prepared in response to the May 28, 2018 Council Meeting, wherein the Administration provided a report on its intent to prepare revisions to the Land Use Bylaw to address the legalization of cannabis (Federal Cannabis Act and Provincial Act to Control and Regulate Cannabis). The Federal Government recently confirmed that the Cannabis Act will become law on October 17, 2018. The Province also adopted its framework to regulate the licensing and retail sales, consumption and enforcement aspects of cannabis.

Municipalities have been given some leverage to modify the requirements set by the Province around the location of cannabis retail stores as well as to address hours of operation. This land use bylaw amendment is necessary to provide local land use authority on the location of cannabis retail stores and cannabis production facilities, in addition to the prescribed legislation and licensing requirements set under Federal and Provincial legislation.

To assist in the preparation of the land use bylaw amendment, particularly around the location of cannabis retail stores, Administration engaged key stakeholders and the public as follows:

1. Advertised and posted on its website a public opinion survey to acquire community input on the legalization of cannabis within the framework established by Provincial legislation. (Survey results were provided to Council on July 9, 2018, together with the first reading bylaw)
2. Requested input from RCMP, Bylaw Enforcement, Alberta Health Services, and the business community on bylaw content.
3. Hosted a public information meeting on August 22, 2018 with nine interested citizens and/or stakeholders attending.

SURVEY RESULTS AND PROPOSED BYLAW 2018-11 WITH AMENDMENTS:

Overall, a total of 192 persons responded to the public opinion survey. Approximately 65% were residents of the Town and 21% were Sundre business owners. While there was general support for the 100m separation distance set by the Province for location of cannabis retail stores from Provincial health care facilities, schools, and school reserve (SR) and municipal and school reserve (MSR) lands, there was also support to consider extending this distance and include other public uses and services.

Further revisions were made to Bylaw 2018-11 as a result of public consultation at the August 22, 2018 Public Information Meeting. These revisions address setback distances of Cannabis Retail Stores to various public uses. The revisions include a separation distance of 150m for Cannabis Retail Store Uses from:

- the property line of a school and parcels that are designated school reserve (SR) and municipal and school reserve (MSR) under the *Municipal Government Act*;
- the property line of a Provincial health care facility including a hospital;
- the property line of a public use facility comprising the arena, aqua-plex, community centre, curling rink, and library;
- the property line of another Cannabis Retail Store;
- any Town owned playground structure, skateboard structure and outdoor ice rink measured from that structure.

The recommended 150m setback distance for Cannabis Retail Stores, for the most part, is from public uses where children tend to congregate. This is in addition to the school sites and Provincial Health Care facilities already identified by the Province. The 150m setback has also been adopted by some other Alberta municipalities.

This land use amendment also regulates the following:

- Hours of operation for Cannabis Retail Stores from 10:00 am to 10:00 pm daily;
- Cannabis Retail Stores are a discretionary use in the Central Commercial, Highway Commercial, Light Industrial, Flood Plain Industrial and Light Industrial Business Park Districts;
- Cannabis Production Facilities are a discretionary use in the Light Industrial and General Industrial Districts.

The consumption of cannabis is outside the purview of the land use bylaw, and the Administration is reviewing options for addressing the matter of consumption through Bylaw enforcement under a separate bylaw. This will be forthcoming later this summer/fall for Council's consideration.

Respectfully submitted,



Mike Marko
Director of Planning and Economic Development

Attachments: Bylaw 2018-11 (with amendments in red).

Date Reviewed: <u>September 13, 2018</u> CAO: <u>Amie Nelson</u>
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BYLAW NO. 2018-11

BEING A BYLAW OF THE TOWN OF SUNDRE TO AMEND THE LAND USE BYLAW

WHEREAS, Section 639 of the *Municipal Government Act, R.S.A., 2000, Chapter M-26* and amendments thereto requires Council to enact a Land Use Bylaw;

AND WHEREAS, Section 191(1) of the *Municipal Government Act, R.S.A. 2000, Chapter M-26* and amendments thereto authorizes Council to amend a Land Use Bylaw;

NOW THEREFORE, the Council of the Town of Sundre, in the Province of Alberta hereby enacts as follows:

Bylaw 2018-11 is cited as a Bylaw Amendment to the Land Use Bylaw, to amend PART TWO: DEFINITIONS, PART THREE: GENERAL REGULATIONS and PART FOUR: LAND USE DISTRICT REGULATIONS for the purpose of addressing cannabis production facility and cannabis retail store uses.

The Town of Sundre Land Use Bylaw is hereby amended in accordance with Schedule "A" attached hereto and forming part of this bylaw.

Read for the first time on this 9th day of July 2018; Motion 284-18-07-09

Read for the second time on this ____ day of _____, 2018; Motion _____

Read for the third time on this ____ day of _____, 2018; Motion _____

Mayor Terry Leslie

Chief Administrative Officer

initial

“SCHEDULE A”
LAND USE BYLAW AMENDMENT BYLAW 2018-11

PART TWO: DEFINITIONS

- 1) Delete “medical cannabis production facility”.
- 2) Add the following new definitions:

“Cannabis” means cannabis and any products containing cannabis as defined in the Cannabis Act.

“Cannabis Accessories” means accessories that promote the responsible and legal consumption and storage of cannabis.

“Cannabis Production Facility” means a building used for the legal cultivation, processing, testing, storing, destruction, packaging, distribution and shipping of cannabis permitted and licensed by the Government of Canada but does not include a cannabis retail store.

“Cannabis Retail Store” means a retail establishment licensed under Provincial authority where cannabis and cannabis accessories may be sold, stored, and includes any storage room, lobby, hallway or other service areas used by the licensee in support of the areas where cannabis may be sold.

PART THREE: GENERAL REGULATIONS

- 1) Add under PART THREE: GENERAL REGULATIONS a new Section 15 entitled “Cannabis Retail Store” with regulations as follows:

14. Cannabis Retail Store

A Cannabis Retail Store shall comply with the following:

- (a) Any Cannabis Retail Store and property associated with the store shall have a minimum separation distance of 150m from ~~the nearest property line of the following uses:~~
 - (i) ~~public parks, playgrounds and schools including municipal reserve, school reserve, municipal and school reserve and environmental parcels;~~ **the property line of a school and parcels that are designated school reserve (SR) and municipal and school reserve (MSR) under the *Municipal Government Act*;**

- (ii) ~~recreation facilities including but not limited to the arena, curling rink, aqua-plex, skateboard park and rodeo grounds;~~ **the property line of a Provincial health care facility including a hospital;**
 - (iii) ~~Town owned facilities and buildings including the municipal campground;~~ **the property line of a public use facility comprising the arena, aqua-plex, community centre, curling rink and library;**
 - (iv) ~~child care and senior's facilities;~~ **the property line of another Cannabis Retail Store;**
 - (v) ~~health care facilities including the hospital and medical clinics;~~ **any Town owned playground structure, skateboard structure and outdoor ice rink measured from the closest point of that structure.**
- (b) ~~A Cannabis Retail Store shall have a minimum separation distance of 150m from the nearest exterior wall of another Cannabis Retail Store.~~
- (c) Signage for the advertising of cannabis is prohibited. Any signage for the sole purpose of business identification on the same parcel as the Cannabis Retail Store is subject to a Development Permit pursuant to PART THREE: GENERAL REGULATIONS Section 5. Signs.
- (d) Development proposals must consider and include on-site elements to create a safe premise such as:
- (i) a well-lit customer parking lot;
 - (ii) well-lit access to the store that is visible from the street, sidewalk and/or customer parking facility; and
 - (iii) any other safety measures as required by the Development Authority.
- (e) A Cannabis Retail Store shall operate within the hours of 10:00 am and 10:00 pm on the days permitted to operate under Provincial legislation.

PART FOUR: LAND USE DISTRICT REGULATIONS

- 1) Add "Cannabis Retail Store" as a Discretionary Use to the following Land Use Districts under PART FOUR: LAND USE DISTRICT REGULATIONS":
 - Central Commercial District (C-1)
 - Highway Commercial District (C-2)
 - Light Industrial District (I-1)
 - Flood Plain Industrial District (I-2)
 - Light Industrial Business Park District (I-3)

- 2) Delete "Medical Cannabis Production Facility" from the Light Industrial District (I-1) list of Discretionary Uses and replace with "Cannabis Production Facility".
- 3) Add "Cannabis Production Facility" as a Discretionary Use in the General Industrial District (I-4).



REQUEST FOR DECISION

COUNCIL DATE: September 17, 2018

SUBJECT: RFD Local Improvement Tax

ORIGINATING DEPARTMENT: Legislative Services

AGENDA ITEM: 9.1

BACKGROUND/PROPOSAL:

Administration has received questions from a citizen on the Town's policies on Local Improvement Tax.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

The CAO will be discussing normal practice today and in the past, and legislative requirements for imposing a Local Improvement Tax for Council's information.

ADMINISTRATION RECOMMENDATIONS:

N/A

COSTS/SOURCE OF FUNDING:

N/A

MOTION:

That Council receive the verbal report from the CAO as information.

Date Reviewed: September 13, 2018 CAO: Donna Nelson