

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission

DIVISION: 2

SUBJECT: **Development Item: Cannabis Processing**

USE: Discretionary use, with no Variances

APPLICATION: Cannabis Processing (existing building), tenancy.

GENERAL LOCATION: Located approximately 0.81 km (1/2 mile) west of Rge. Rd. 33 and on the north side of Twp. Rd. 250.

LAND USE DESIGNATION: Commercial, Local Rural District (C-LRD, h18) under Land Use Bylaw C-8000-2020.

ADMINISTRATION RECOMMENDATION: Administration recommends approval in accordance with Option #1.

OPTIONS:

Option #1: THAT Development Permit Application PRDP20203390 be approved with the conditions noted in the Development Permit Report, attached.

THAT Development Permit Application PRDP20203390 be refused as per the reasons Option #2: noted.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources Sandra Khouri – Planning and Development Services

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DATE: November 26, 2020

APPLICATION: PRDP20203390



DEVELOPMENT PERMIT REPORT

Application Date: October 22, 2020	File: 05704069
Application: PRDP20203390	Applicant/Owner: Chris Mayerson
Legal Description: Lot 12, Block R, Plan 0310163, SE-04-25-03-05	General Location: Located approximately 0.81 km (1/2 mile) west of Rge. Rd. 33 and on the north side of Twp. Rd. 250.
Land Use Designation: Commercial, Local Rural District (C-LRD, h18) under Land Use Bylaw C-8000-2020.	Gross Area: ±0.81 hectares (±2.00 acres)
File Manager: Sandra Khouri	Division: 2

PROPOSAL:

The proposal is for the Cannabis Processing (existing building), tenancy.

- Change of Use from existing Automotive, Equipment and Vehicle Service *to Cannabis Processing* in Unit G (vacant) within building 6 (which is the north half of the east building on site.)
 - The shell building Development Permit is PRDP20161075. The building was approved on October 21, 2016 as an Automotive, Equipment and Vehicle Service use building and is predominately vacant. The building contains Personal Services (training studio) and General Industry 1 (landscaping company) uses.
- This application is an expansion of PRDP20201670, which is a change of use for the same use by the same Applicant in the adjacent bay (Unit H). It was issued on September 30, 2020.
 - The description on the permit for Unit H (Cannabis Facility and Cannabis Cultivation) will be slightly different due to the slight naming change under the new Land Use Bylaw C-8000-2020 (Cannabis Processing).
- No relaxations requested.

BUSINESS DETAILS:

Business name	1661132 Alberta Limited
Business description	 Applying for "Nursery" license under Cannabis Act with the province that allows for ~50.00 sq. m (~500.00 sq. ft.) of flowering canopy for seed production.
	• Cultivation/growing within self-contained units (shipping containers) instead of modifying interior walls. Used this approach on Oahu, Hawaii for a state-licensed medical cannabis production facility.



	 Producing live plants (clones) and seeds, not finished flower (bud). Use of high intensity lighting will not be required, so the electrical loads and HVAC requirements seen with large scale indoor cultivation will not be an issue per applicant. Includes interior work for walls and electrical
Business area (Unit G)	141.02 sq. m. (1,517.95 sq. ft.) – Main floor 40.33 sq. m (434.00.sq. ft.) – Mezzanine 181.35 sq. m. (1,952.04 sq. ft.) – TOTAL AREA
Parking spaces	5 assigned, no customer visits or overflow parking anticipated
Employees	5 full-time/0 part-time
Hours of operation	8:00 am – 4:30 pm
Days of operation	Sunday - Saturday
Outdoor storage	Not requested/proposed
Signage	None proposed - Bay not open to public
Other	Applicant holds RCMP security clearance valid until July 2021.

LAND USE BYLAW (C-8000-2020) ASSESSMENT:

Commercial, Local Rural District (C-LRD)

412 Discretionary Uses:

• Cannabis Processing is listed as a discretionary use within the C-LRD district

Definitions:

CANNABIS PROCESSING means a development, as licensed by Health Canada, where cannabis is grown, harvested, processed, tested, destroyed and/or stored on site, but does not include Cannabis Retail Store.

• The proposed use meets the definition of Cannabis Processing. The facility will grow and harvest cannabis within shipping containers located in the unit, and further process/store the cannabis to be shipped for wholesale purposes, in accordance with the Nursery License regulations under the *Cannabis Act SOR/2018-144*.

Cannabis Cultivation and Cannabis Processing:

131 Cannabis Cultivation and Cannabis Processing General Requirements:

- a) Cannabis Cultivation and/or Cannabis Processing shall not occur in a building where a residential use is located, and
- b) A residential development constructed or created on a parcel after the approval of a Cannabis Cultivation or Cannabis Processing use shall not be considered a residential use for the purposes of the Bylaw.

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• The proposed use is located in a multi-bay commercial building.

132 Cannabis Cultivation and Cannabis Processing Site Requirements:

- a) In all Districts, Cannabis Cultivation and/or Cannabis Processing must have a minimum separation distance of:
 - i. At least 150.0 m (492.13 ft.) from a parcel with a Care Facility (Clinic),
 - No Development Permits for Care Facility (Clinic) in close proximity to the subject parcel.
 - ii. At least 150.0 m (492.13 ft.) from a parcel with a School,
 - The closest parcel with a school (The Edge School for Athletes at roll 04733005) is approximately 295 m away.
 - iii. At least 150.0 m (492.13 ft.) from a parcel that is designated as Municipal School Reserve on title,
 - No parcels designated Municipal School Reserve in close proximity to the subject parcel.
- b) Notwithstanding a), in B-AGR, C-LRD and I-HVY Districts the minimum separation distance of Cannabis Cultivation and/or Cannabis Processing may be reduced to:
 - i. 75.0 m (246.06 ft.) from a Residential District parcel, and/or
 - The closest Residential District parcel is zoned R-RUR and is approximately 484 m away.
 - ii. 75.0 m (246.06 ft.) from a Dwelling Unit,
 - The closest Residential District parcel is zoned R-RUR and is approximately 484 m away.
- c) The minimum separation distance shall be measured from the closest point of the Cannabis Cultivation and/or Cannabis Processing building.

133 Cannabis Cultivation and Cannabis Processing Development Permit Requirements:

- a) A Development Permit application will respond to Section 131 and 132, and
- b) The maximum term of a Development Permit issued is ten (10) years.
 - If approved, the time limit on this approval should match the one under Unit H (3 years, expiring September 30, 2023).

STATUTORY PLANS:

North Springbank Area Structure Plan (ASP): The subject site falls within the Airport Land Use area, specifically the Springbank Airport interface of the ASP. The site does not lie within the Highway #1 Interface of the plan.

5.6.2 Springbank Airport Interface

<u>5.6.2.3</u>: Lists commercial based business parks as appropriate land use subject to the provisions of the Plan. The subject site along with adjacent north, east, and south sites are designated Commercial, Local Rural (C-LRD). The airport site to the west is designated DC-165. The proposed Cannabis Processing is considered an appropriate commercial land use as it is a listed discretionary use within the C-LRD district of the

Land Use Bylaw. The business does not require or propose any outdoor storage of goods, materials, or equipment.

- <u>5.6.2.6</u>: Requires that any development be fully compatible with the safe operation of the Springbank Airport. The applicant has indicated that proposed business operations will be carried within shipping containers located within the unit. The business does not require outdoor storage of goods.
- 5.6.2.6(a): Applicant noted that the cultivation and processing of seeds/clones would not create toxic or particular matter. To address concerns of noxious matter, an activated charcoal filtration system/ infrastructure will be installed and operational at all times in accordance with the Health Canada Cannabis Act and CAN/ULC S4400 Standard For Safety Of Premises, Buildings And Equipment Utilized For The Cultivation, Processing And Production Of Cannabis.
- <u>5.6.2.6 (c)</u>: Potential fire risk is deemed low to none per applicant. To mitigate risks, all electrical work will be completed by a licenses electrician and inspected. No risk of explosive hazards as storage of goods/explosive materials on site are not required/proposed.
- <u>5.6.2.6 (d)</u>: No potential for the accumulation of any material or waste edible by or attractive to birds. Destruction of cannabis waste is regulated by Health Canada and as such poses no risk to birds per applicant.
- <u>5.6.2.6(e)</u>: Applicant noted use of extensive artificial lighting for cultivation of cannabis, however 100% of lights will be contained within the unit and self-contained grow areas/containers. No risk of light escaping the facility has been noted.
- <u>5.6.2.6(g)</u>: There will be no noise exposure forecast areas and no affect to nearby properties per applicant. Cultivation is a quiet process, not requiring heavy duty equipment, with operations fully contained within unit/containers.

5.7.1 General Business Land Use

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The policies herein are catered towards to the Commercial Land Use area identified in Figure 3, Future Land Use Concept map. The subject site does not fall within the identified commercial land use area, therefore Section 5.7 is not applicable.

6.2 Municipal Roads

Township Road 250 is identified as a major collector road within the ASP to facilitate movement of all vehicular types. Applicant has noted minimal impact of the business on the existing transportation network, as follows:

- Anticipated traffic volumes No more than 3 or 4 light passenger vehicles coming and going from the facility per day (staff vehicles only);
- Vehicle types Light passenger vehicles and occasional delivery truck. Semi-trucks not required for deliveries. Medium sized commercial vehicles will accommodate small amount of materials required for cultivation, e.g., ³/₄ ton cube van or flat-bed truck;
- Turning movements In and out of the parking lot and hours of usage are regular business hours Monday to Friday, 8:00am to 4:30pm; and
- Pick-up/drop-off Negligible activity due to relatively low production volumes within facility. No more than one truck once per week is anticipated for this purpose. Trucks will be parked in front of loading bay door for a short period of time for each pick-up and drop-off.



Other Plans: The site is located outside of the City of Calgary Intermunicipal Development Plan (IDP) study area and does not lie within an existing/proposed Conceptual Scheme.

INSPECTOR'S COMMENTS:

No inspection completed at the time this report was written.

RECOMMENDATION:

Certain cannabis operations are regulated provincially/federally and not addressed at the municipal level, including but not limited, Odour, Site Design Waste, and Sale of products under the *Cannabis Regulations SOR/2018-144 (Cannabis Act)*. Applicant will be required to meets all regulations under the Act prior to commencing operations.

The proposed Cannabis Processing was evaluated in accordance with the relevant sections of the Land Use Bylaw and North Springbank ASP policies. Development Authority finds that the business/use will not significantly impact nearby uses, parcels, or airport operations, therefore, recommends **APPROVAL** of the application:

- The proposed use meets the minimum separation distance requirement of 75.00 m to nearest residential site(s), is fully operational indoors without requirement of outdoor storage, does not include Cannabis Retail, not open to the general public, and has little to no impact to surrounding uses/parcels based on the operational details.
- The operational details provided by the applicant satisfy policy requirements of the North Springbank ASP and the regulations of the land use bylaw.
- Site inspection noted a vacant large bay, low activity in the area, and no concerns with the location. There is no enforcement history for this site.

OPTIONS:

Option 1: (this would allow the proposed development)

APPROVAL, for the following reasons:

Description:

1. That *Cannabis Processing* may operate within 181.35 sq. m. (1,952.04 sq. ft.) of Unit G (existing Building #6) on the subject lands in accordance with the submitted application, operational details, site plan and conditions noted below.

Permanent:

- 2. That this approval does not include a Cannabis Retail Store.
- 3. That all conditions of PRDP20161075 shall remain in effect.
- 4. That the facility shall maintain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for the facility, to facilitate accurate emergency response.
- 5. That no signage shall be placed on the subject property, related to the approved *Cannabis Processing* use. Any future signage related to the development shall require separate development permit approval.
- 6. That any future change in use of the building, including any exterior changes, additions, or change in tenants, shall require a Development Permit for the use and signage.
- 7. That no outdoor storage shall be allowed at any time for business use.

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- 8. That the entire site shall be maintained in a neat and orderly manner at all times, to the satisfaction of the County.
- 9. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application, in response to a prior to issuance or occupancy condition, shall be implemented and adhered to in perpetuity.
- 10. That this development permit, once issued, shall be valid until **September 30, 2023**.

Advisory:

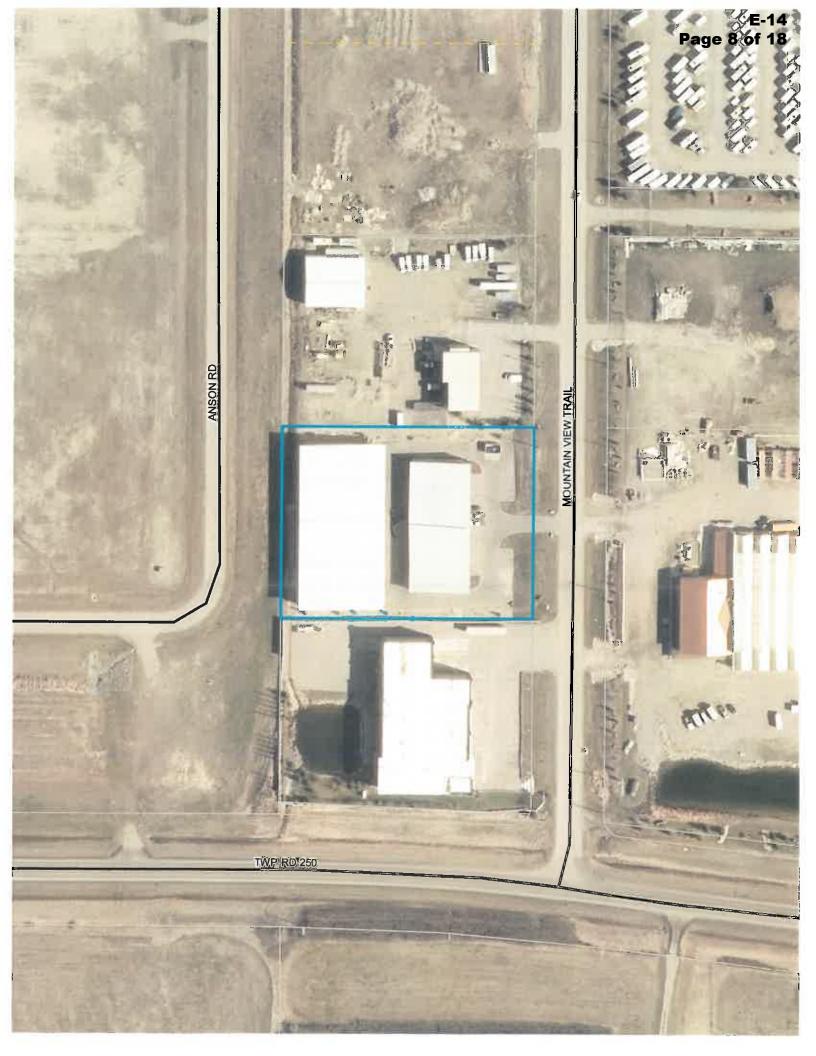
- 11. That the Applicant/Owner will be required to obtain a commercial water license from Alberta Environment and Parks (AEP) if a groundwater well is proposed to service the development.
- 12. That the site shall be maintained in compliance with County Bylaw No. C-7690-2017, the "Nuisance and Unsightly Property Bylaw", at all times. Any debris or garbage generated on the site shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- 13. That the County Bylaw C-5772-2003, the "Noise Bylaw", shall be adhered to at all times.
- 14. That a Building Permit and applicable sub trade permits, for the change of use, shall be obtained through Building Services at the building permit stage.
 - i. That the development shall comply with an occupancy requirements under the National Building Code.
- 15. That any other federal, provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
 - i. That the Applicant/Owner shall obtain any required Health Canada and Alberta Health Services approval(s).
 - ii. That all cannabis waste shall be managed in accordance with Alberta Cannabis Waste Management Fact Sheet.

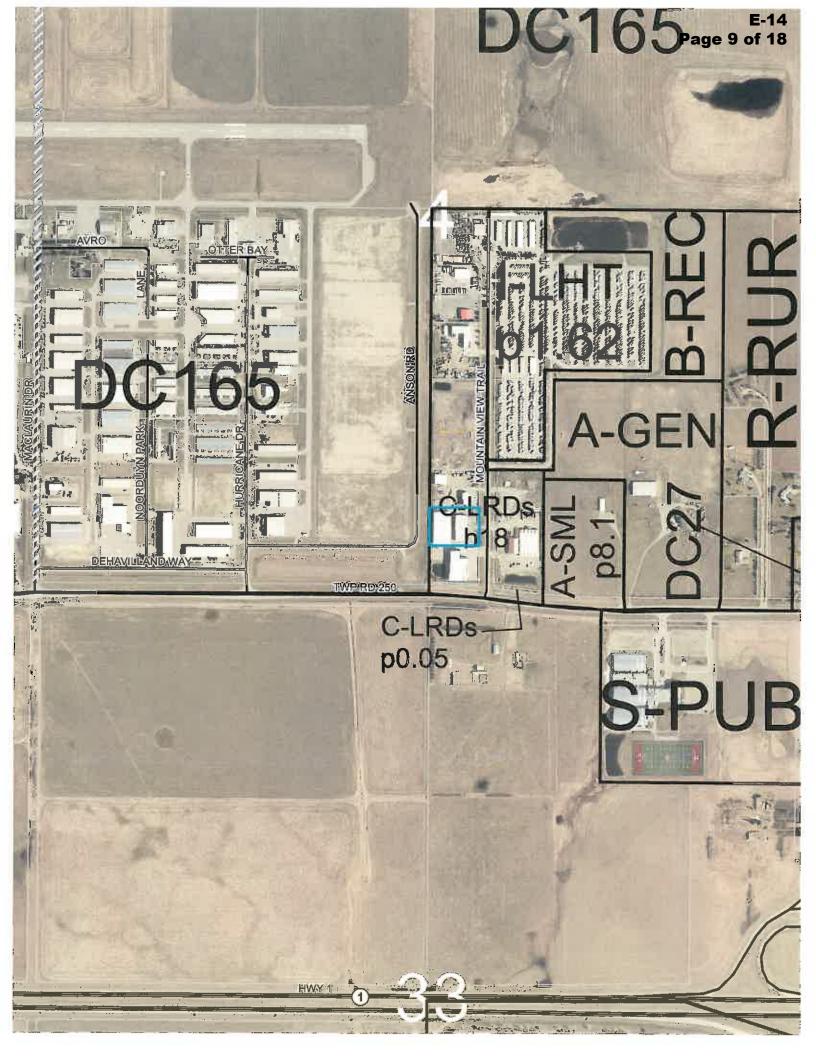
Note: The Applicant/Owner shall be responsible for all Alberta Environment and Parks approvals/compensation if any wetland is impacted by the development on the said land.

Option 2: (this would not allow the proposed development)

REFUSAL, for the following reasons:

1. In the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.





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APPLICAN	T/OWNER	X			· · ·		12	
Applicant N	ame:	Chris Mayerson	n		Email:			
Business/O	rganizatio	n Name (if applic	able): tbd					
Landowner	Name(s)	per title (if not the	e Applicant): Dale	Berkan				
Business/O	rganizatio	n Name (if applic	able): Berking in	dustries Ltd.				
LEGAL LA	ND DESC	RIPTION - Subje	ect site					
All/part of:	SE ¼	Section: 04	Township: 25	Range: 03	West of: 05	Meridian	Division:	2
All parts of	Lot(s)/Unit	t(s): Lot 12	Block: R	Plan: 0310	163	Parcel Siz	e (ac/ha):	2 acres
Municipal A	ddress:	250021 Mour	ntain View Trail		Land Use Dist	rict: C-L	RD	
		 List use and sc 	ope of work		la kati ki si s		II.	•
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ROCKY VIEW COUNTY		FOR OFFICE USE ONLY			
~		APPLICATION NO.			
CANNABIS		ROLL NO,			
INFORMATION SHEET		DISTRICT			
DETAILS					
Building/Unit total floor area		USE TYPE			
Height of building	$\begin{array}{c} 1989.21 \\ 22 \\ (m \cdot ft.^2) \end{array}$	Cannabis Collevation			
New or existing building?		Cannabis Retail			
BUSINESS DESCRIPTION	existing				
	o describe the business operations in	o detail			
Business name: tbd					
Days of operation: Mon-Fri	Hours of operation:	9am-5pm			
Total number of parking space		sam-spm			
	site? YES - attach Signage - Inform	mation Sheet and required documents			
MINIMUM (REQUIRED) SEPA		PROVIDED			
	r Cannabls Processing must be at lea				
	parcel with a Care Facility (Clinic)				
150.0 m (492.13 ft.) from a p					
	parcel that is designated as Municipal				
School Reserve on title	arcer that is designated as municipal				
150.0 m (492.13 ft.) from a F	Residential District parcel	VES INO			
150.0 m (492.13 ft.) from a L	Dwelling Unit	YES 🗆 NO			
For B-AGR, C-LRD and I-HVY districts:					
75.0 m (246.06 ft.) from a	Residential District parcel	🛛 YES 🗆 NO			
75.0 m (246 .06 ft.) from a	Dwelling Unit	DAYES INO			
** Cannabis Retail (applicable	e districts) must be at least:	·			
300.0 m (984.25 ft.) from and	other Cannabis Retail Store	NO			
150.0 m (492.1 3 ft.) from a p	arcel with a Care Facility (Clinic)	YES NO			
150.0 m (492.13 ft.) from a p	aNewith schoop PLICA				
100.0 m (328.08 ft.) from a p School Reserve on title	arcel that is designated as a Municipal	PD YES PD NO			
* Cannabls Cultivation and Cannabis F					
(a) Cannabis Cultivation and/or Cannabis Processing shall not occur in a building where a residential use is located, and (b) A residential development constructed or created on a parcel after the approval of a Cannabis Cultivation or Cannabis Processing use					
shall not be considered a residential use for the purposes of the Bylaw.					
		nabis Cultivation and/or Cannabis Processing building.			
I ne minimum separation distance si	hall be measured from the closest portion of the C	annabis Retail Store building.			

Applicant Signature

Date _____ 0ctober 16, 2020

Berking Industries Ltd.



October 13, 2020

Rocky View County 262075 Rocky View Point Rocky View County, AB T4A 0X2

RE: Land Use Change - Chris Mayerson

To the Development and Planning Approvals Authority:

As the registered owner of the property listed below, I hereby acknowledge that Chris Mayerson wishes to operate a cannabis cultivation business in one of the commercial bays we are offering for lease (Bay G).

Currently, the land is designated General Business District B-2. However, this type of business would require a land use change from the Discretionary Use of Automotive, Equipment and Vehicle Services to Cannabis Cultivation and/or Cannabis Facility.

Municipal Address: 250019 MOUNTAIN VIEW TRAIL, Calgary AB Roll: 05704069 Legal Address: Lot 12; Block R; Plan 0310163

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Please contact me should you require further information. Thank you kindly.

Sincerely. Dale Berka

President Berking Industries Ltd



Berking Industries Ltd.

Chris Mayerson

October 16, 2020

Rocky View County 262075 Rocky View Point Rocky View County, AB T4A 0X2

RE: Land Use Change - Micro Cannabis Processing

To the Development and Planning Approvals Authority:

Please accept this cover letter as part of the Development Permit Application package submitted to you today.

The proposed land use is for Cannabis Cultivation and/or Cannabis Facility, specifically a Health Canada authorized Micro Cannabis Processing licence.

The proposed days / hours of work shall be Monday through Friday, from 9am to 5pm. An estimated 5 employees will be required for full business operations. Parking stalls have been allocated by the land owner and are sufficient for the scope of operations. Site access will be using existing road ways and minimal traffic is expected. Types of vehicles will be limited to normal passenger vehicles and small delivery trucks for shipping and receiving. There will be no outdoor storage of any product.

I trust that the information provided is adequate for application purposes however should you have any questions or require anything further please be sure to let me know as soon as possible.

Thank you in advance for your time and consideration of my application, it is greatly appreciated.

Kind Regards,

Chris Mayerson



LAND TITLE CERTIFICATE

GAL	TITLE NUMBER
R;12	151 317 490
THES AND MINERALS	
ACRES) MORE OR LESS	
SE	
COUNTY	
L 576	
REGISTERED OWNER (S)	
DOCUMENT TYPE VALUE	CONSIDERATION
TRANSFER OF LAND \$1,100	,000 \$1,100,000
NCUMBRANCES, LIENS & INTER	ESTS
) PARTICULARS	
RESTRICTIVE COVENANT	
ZONING REGULATIONS SUBJECT TO SPRINGBANK AID	PORT ZONING REGULATIONS
EASEMENT OVER AND FOR BENEFIT OF: AS TO PLAN 0112101 PORTIO	
	R;12 INES AND MINERALS ACRES) MORE OR LESS SE COUNTY 576 REGISTERED OWNER(S) DOCUMENT TYPE VALUE TRANSFER OF LAND \$1,100 TRANSFER OF LAND \$1,100 NCUMBRANCES, LIENS & INTER) PARTICULARS RESTRICTIVE COVENANT ZONING REGULATIONS SUBJECT TO SPRINGBANK AIE EASEMENT OVER AND FOR BENEFIT OF:

(CONTINUED)

____E-14 Page 15 of 18 ENCUMBRANCES, LIENS & INTERESTS PAGE 2 # 151 317 490 REGISTRATION NUMBER DATE (D/M/Y) PARTICULARS 031 023 016 20/01/2003 CAVEAT **RE : DEFERRED SERVICES AGREEMENT** CAVEATOR - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. 911-32 AVE NE CALGARY ALBERTA T2E6X6 031 023 018 20/01/2003 CAVEAT RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL GOVERNMENT ACT CAVEATOR - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. 911-32 AVE NE CALGARY ALBERTA T2E6X6 031 023 023 20/01/2003 EASEMENT OVER AND FOR BENEFIT SEE INSTRUMENT (PORTION DESCRIBED SEE INSTRUMENT) 031 023 025 20/01/2003 UTILITY RIGHT OF WAY GRANTEE - TELUS COMMUNICATIONS INC. GRANTEE - ATCO GAS AND PIPELINES LTD. GRANTEE - AQUILA NETWORKS CANADA LTD. GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. GRANTEE - SHAW CABLESYSTEMS LIMITED. AS TO PORTION OR PLAN: 0112101 R/W `A' 031 023 026 20/01/2003 CAVEAT **RE : RESTRICTIVE COVENANT** 171 035 589 08/02/2017 CAVEAT RE : AGREEMENT CHARGING LAND ETC. CAVEATOR - FORTISALBERTA INC. ATTN: LAND DEPARTMENT AGENT - JAY BRAR ELECTRIC SERVICE AGREEMENT 171 035 599 08/02/2017 CAVEAT RE : AGREEMENT CHARGING LAND () ETC. CAVEATOR - FORTISALBERTA INC. ATTN: LAND DEPARTMENT

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

E-14 Page 16 of 18 PAGE 3 # 151 317 490

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS



AGENT - JAY BRAR ELECTRIC SERVICE AGREEMENT

171 105 097 18/05/2017 UTILITY RIGHT OF WAY GRANTEE - TELUS COMMUNICATIONS INC.

TOTAL INSTRUMENTS: 011

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 22 DAY OF OCTOBER, 2020 AT 03:32 P.M.

ORDER NUMBER: 40369982

CUSTOMER FILE NUMBER: PRDP20203390

END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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