



FRASER VALLEY REGIONAL DISTRICT
POLICY AND PROCEDURES

SUBJECT: Non-Farm Use Applications for Cannabis Production Facilities in the ALR

EFFECTIVE DATE:

REVISION DATE:

1.0 BACKGROUND

Cannabis production facilities involve the lawful production of cannabis or marihuana and products derived from cannabis or marihuana.

Under the Agricultural Land Commission Act, land within the Agricultural Land Reserve (ALR) must not be used for a non-farm use unless it has been permitted by the Agricultural Land Commission. Before July 13, 2018, the production of cannabis was classified as a farm use in the ALR.

On July 13, 2018, the Agricultural Land Commission made changes to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALR Regulation) to make the lawful production of cannabis a farm use only if it is produced¹:

1. outdoors in a field; or,
2. inside a structure that:
 - i. has a base consisting entirely of soil (no concrete footing or floor), or
 - ii. was under construction, or was constructed, before July 13/18 for the purpose of growing crops inside it.

Cannabis production not as described in section 2(2.5) of the ALR Regulation is not a farm use and may not be undertaken without a successful Non-Farm Use application to the Agricultural Land Commission.

The procedure for Non-Farm Use applications is set out in the Agricultural Land Commission Act. Before applications are considered by the Agricultural Land Commission, they are first reviewed by the Regional District. If the application: 1) applies to land that is zoned to permit agricultural or farm use; or, 2) requires an amendment to an official community plan or a zoning bylaw, the application may not proceed to the Commission for a decision unless it is authorized to do so by a resolution of the Regional District Board.

2.0 PURPOSE

The purpose of this policy is to:

- assist the FVRD Board in reviewing Non-Farm Use applications for cannabis production facilities;
- identify some of the potential considerations of the FVRD Board when reviewing applications;

¹ See Section 2(2.5) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg 171-2002).

- assist applicants in preparing applications that address the interests and concerns of the FVRD Board;
- minimize the impact of cannabis production facilities on neighbours and the surrounding community; and,
- support the successful integration of cannabis production facilities into agricultural and rural communities where it is appropriate to do so.

This policy does not address the growing of up to four cannabis plants per dwelling as provided for under the federal Cannabis Act and the provincial Cannabis Control and Licensing Act.

3.0 POLICIES

General Considerations

- 3.1 The FVRD Board may support non-farm use applications for cannabis production facilities where: a) they are in accordance with federal licenses or as authorized under the Cannabis Act and the provincial Cannabis Control and Licensing Act; and, they are permitted by the applicable zoning bylaw or a temporary use permit.
- 3.2 Where an application: a) applies to land that is zoned to permit agricultural or farm use; or, b) requires an amendment to an official community plan or a zoning bylaw, the FVRD Board may decline to forward the application to the Agricultural Land Commission.
- 3.3 The FVRD Board may: a) require that applicants hold a public information meeting; or, b) direct FVRD staff to hold a public information meeting; to present details of the proposed cannabis production facility and receive input from the community.
- 3.4 The FVRD Board may wish to consider the number and scale of existing and proposed cannabis production facilities within the community and the cumulative affect they may have on water resources, waste streams and community life.

Siting & Location of Cannabis Production Facilities

- 3.5 Buildings and structures for the production of cannabis should be setback:
 - a) 30 metres from all lot lines;
 - b) 60 metres from all lot lines adjacent to non-ALR residential uses; and,
 - c) 150 metres from any lot line of a parcel that contains a park or school.
- 3.6 Cannabis production facilities should not be located within any building or structure that also contains, or is attached, to a building containing a residential use.

Design of Cannabis Production Facilities

- 3.7 Cannabis production facilities requiring Non-Farm Use approvals should take place within buildings with Group F major occupancy classification as defined in the BC Building Code.

- 3.8 Where an industrial-style building is proposed and the FVRD Board is concerned that the form/character of the building may be incompatible with the rural or agricultural character of the area, the Board may request a submission prepared by an Architect (AIBC) which demonstrates how the proposed building and landscaping will fit with character of the community.
- 3.9 Exterior lighting should be intentionally designed to: a) avoid `light trespass` onto adjacent properties; and, b) maintain `dark skies` by using fully shielded luminaires that project light below the horizontal plane of the fixture.
- 3.10 The cannabis production facility, or the part of the facility where cannabis is produced, packaged, labelled or stored, should be equipped with a system designed by a qualified professional that filters air to prevent the escape of odours.
- 3.11 Health Canada licensing rules require that the perimeter of cannabis cultivation sites be monitored at all times by visual recording devices. The use of security cameras and recording devices should conform to the *Guidelines for Overt Video Surveillance in the Private Sector* by the Office of the Privacy Commissioner of Canada. Security Cameras and recording devices should be positioned to avoid intruding on the privacy of occupants of adjacent private properties.
- 3.12 Cannabis production facilities should minimize: a) the use of water resources; b) the discharge of wastewater to the environment; and, c) the consumption of energy.

Use of Buildings

- 3.13 Large industrial-style buildings are conducive to a wide range of uses not permitted by the zoning bylaw or the *ALR Regulation*. This could result in difficult enforcement challenges if cannabis production ceases and is replaced with non-conforming uses. Where this is a concern: a) the use of the building should be restricted to cannabis production facility and farm uses that accord with both the relevant FVRD zoning bylaw and the Agricultural Land Commission Act; and, b) a mechanism should be identified for the recovery costs associated with any enforcement activities related to non-permitted use of the building.

Implementation

- 3.14 This policy will be implemented through covenants, liaison with provincial and federal agencies, the provision of assurances and other means as appropriate.
- 3.15 This policy does not in any way limit or fetter the Board in its consideration of Non-Farm Use applications related to cannabis production facilities.
- 3.16 This policy should be reviewed periodically, particularly when bylaws are changed to address cannabis production facilities.

End