

April 2020

Lawful Cannabis Production in the ALR

IMPORTANT: This information is provided for convenience only and is not intended to provide legal advice or to address all circumstances that might arise. Official bylaws, policies, and regulations prevail over any information provided in this document.

Q: What is Lawful Cannabis Production in the ALR (Agricultural Land Reserve)?

A: Lawful production of Cannabis in the ALR is licensed by the Government of Canada (excluding exemptions for personal cultivation) and takes place outdoors in a field, inside a soil-based building or structure, or inside a building or structure that was constructed prior to July 13, 2018 for the purpose of growing crops inside it.

Q: What permits do I need to lawfully produce Cannabis?

A: You must obtain a licence for Cannabis production through the Government of Canada. Once you have federal government approval, you must apply for a municipal Business Licence. It may also be necessary to apply for a Building Permit and other municipal approvals in order to lawfully produce cannabis.

Q: Do I need to notify local authorities of my plans to lawfully produce Cannabis within the City of Abbotsford?

A: Yes. Sections 7 and 35 of the federal Cannabis Regulations require applicants to provide a written notice to a senior official of the local government (GM Planning and Development Services - send to 2nd floor of City Hall or planning-info@abbotsford.ca), police, and fire service, informing them of the applicant's intention to apply for a license for cultivation, processing, or sale of cannabis. The notification must include: person's name, date of application being submitted, class/subclass of license, activities to be conducted related to cannabis, address of the site, and if applicable, the address of each building within the site.

Written notification of license issuance, amendment, suspension, reinstatement, or revocation must also be provided, within 30 days, to a senior official of a local government, police, and fire service. This notice must include the license holder's name, site address, effective date of the license issuance, amendment, suspension, reinstatement or revocation, and amendment details if applicable.

Q: Where can I lawfully produce Cannabis?

A: Producers with a valid Government of Canada licence are required to comply with all applicable provincial and municipal laws, including zoning regulations, fire and electrical safety, and waste management. Abbotsford permits lawful cannabis production in the A1, A2, A3, A4, A5 and A6 zones within the Agricultural Land Reserve, provided it is conducted in compliance with the *ALR Use Regulation* and all provisions of the Zoning Bylaw. It is important to note that the Zoning Bylaw restricts cannabis production to specific building types (see Zoning Bylaw section 210.7.12(g)).

Q: What are the Agricultural Land Commission (ALC) regulations?

A: In addition to the City's regulations, lawful cannabis production must comply with all ALC regulations. The ALC regulations for the lawful production of cannabis include requirements related to the placement of fill and removal of soil. Refer to *ALC Information Bulletin 04, Cannabis Production in the ALR* for more information.



PLANNING & DEVELOPMENT SERVICES

Building Permits & Licences

1st Floor, 32315 South Fraser Way, Abbotsford, BC
T 604-864-5525 E building-info@abbotsford.ca

www.abbotsford.ca

Planning Services

2nd Floor, 32315 South Fraser Way, Abbotsford, BC
T 604-864-5510 E planning-info@abbotsford.ca

Q: What kind of buildings can be used for Cannabis production?

A: Growing/producing cannabis is only permitted within a building or structure that complies with section 210.7.12 (g) of the Zoning Bylaw, unless the building was constructed on specific properties during the 'grace period' following City adoption of the new rules regarding permitted building types [reference: PDS 058-2019 and Bylaw 2959-2019 as amended at July 8, 2019 Regular Council Meeting].

In general terms, cannabis growing and production is permitted within buildings that have a base consisting entirely of soil, or buildings that were constructed prior to July 13, 2018 for the purpose of growing crops (i.e., plants/mushrooms) inside them. Machine sheds, general use out-buildings, and livestock buildings are not considered crop buildings.

A building is considered to have a "base consisting entirely of soil" if it does not incorporate any type of permanent foundation and is anchored to the ground with a system such as removable screw/helical support piles, or a similar technology that can be disassembled and removed from the site without requiring demolition or excavation. A base, foundation, or support piles of concrete are not permitted. The ground floor between all walls must consist entirely of soil and be open to above, without any suspended floors or mezzanines.

Q: How big can I build a structure for Cannabis Production?

A: The City does not specifically regulate the maximum floor area for this type of use, but does restrict the maximum height to 15 m. The maximum lot coverage in agricultural zones is 35%, except for greenhouse structures, which can be up to 75%. Also see 'processing' questions below for additional building area regulations.

Q: What are some building design regulations to be aware of?

A: The Building Department requires that the structure meets both the National Farm Code of Canada (NFC) definitions for *Farm Use* and *Low Human Occupancy* and the Agricultural Land Commission (ALC) definition of *Farm Use* to be exempt from any regulations regarding fire safety or egress in the British Columbia Building Code (BCBC). If the design does not meet the aforementioned exemptions then the design must adhere to the regulations in the BCBC Part 9 or BCBC Part 3 (as applicable) regarding water supply requirements for fire suppression.

Q: What are some of the other general development requirements to keep in mind?

A: The Development Bylaw requires: on-site detention be provided when more than 20% of the parcel is to be covered or developed; any storm water leaving the site must be conducted to/through an acceptable drainage facility; the Ministry of Health requirements for potable water must be met; the Ministry of Health requirements for septic must be met; half-road construction/cash-in-lieu of construction along the frontage of the lands to meet Development Bylaw Standards may be required, and Development Cost Charges (DCC) shall be paid in accordance with the DCC bylaw, as applicable.

Q: Can a Cannabis production utilize City water?

A: Water service connections for properties outside the Urban Development Boundary must not exceed 25mm in diameter for Agricultural properties.

Q: Can cannabis grown on the farm be processed on-site?

A: As outlined in *ALC Information Bulletin 04, Cannabis Production in the ALR*, the storing, packing, preparing and processing of farm products (cannabis) is designated as a farm use, and may be undertaken without permission from the ALC if at least 50% of the farm product is produced on that agricultural land, or by an association [under *Cooperative Association Act*] to which the owner of the agricultural land belongs.

The City's Zoning Bylaw limits all buildings and structures housing activities related to storing, packing, preparing, processing or distribution of cannabis to a maximum combined area of 2,000m² per lot. The soil floor restrictions for cannabis growing and production do not apply to processing areas.

Q: Can I operate a storefront to dispense or sell Cannabis grown under my licence?

A: No. City of Abbotsford’s Zoning Bylaw does not permit the retail sale of Cannabis in the ALR, and selling cannabis is not considered a Farm Retail Sales use. See City of Abbotsford Fact Sheet: Retail Sales of Cannabis in Abbotsford located on our website for more information.

Q: What are the siting requirements for Cannabis Production Facility buildings and structures (for growing, producing, processing, and supporting accessory uses)?

A: All buildings or structures for cannabis production must be a minimum of 100 metres beyond and outside the Urban Development Boundary, 100m from the Agricultural Land Reserve boundary, and a minimum of 150 metres from any park or school. In addition, a building or structure must meet the following minimum set backs on a lot (see diagram).

Use	Exterior Lot Line	Interior Lot Line	Residential Buildings	Boundary of Watercourses	Wells
Cannabis Production	30.0 m	30.0 m	n/a	30.0 m	30.0 m

Q: Are there location restrictions applicable to growing cannabis outdoors in a field?

A: Yes, while specific lot line setbacks do not apply to outdoor cannabis production and growing, all growing areas must be a minimum of 100 metres beyond and outside the Urban Development Boundary, 100m from the Agricultural Land Reserve boundary, and at least 150 metres from any park or school.

