

Schedule 7 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, September 3, 2019.



City of Richmond

To Public Hearing
Date: September 3, 2019
Item # 5
Re: OCP 9000, Amendment B, 10061
Zoning B500, Amendment B, 10062

TO: MAYOR & EACH COUNCILLOR
FROM: CITY CLERK'S OFFICE

Memorandum
Planning and Development Division
Policy Planning

To: Mayor and Councillors Date: August 29, 2019
From: Barry Konkin Manager, Policy Planning File: 08-4430-03-10/2019-Vol 01
Re: Food Security Agricultural Advisory Committee and Agricultural Land Commission Feedback on Official Community Plan and Zoning Bylaw Amendments Related to Cannabis Activities in the Agricultural Land Reserve

The purpose of this memo is to provide Council with feedback received from the City's Food Security Agricultural Advisory Committee (FSAAC) and Agricultural Land Commission (ALC) on proposed Official Community Plan (OCP) Amendment Bylaw 10061 and Zoning Amendment Bylaw 10062. These bylaw amendments will be considered at the September 3, 2019 Public Hearing, and have been prepared in response to changes to Provincial legislation regarding the production and cultivation of cannabis and related activities in the Agricultural Land Reserve (ALR).

The FSAAC reviewed the proposed OCP and Zoning Bylaw amendments at their August 27, 2019 meeting. No objection was noted from the FSAAC on the proposed amendment bylaws (excerpt of the meeting minutes is contained in Attachment 1).

OCP Amendment Bylaw 10061 and Zoning Amendment Bylaw 10062 were also forwarded to the ALC for comment in advance of the Public Hearing. On August 28, 2019, written correspondence was received from the ALC and is contained in Attachment 2. A summary of ALC feedback is as follows:

- Does not recommend applying minimum setbacks from property lines to the outdoor production and cultivation of cannabis.
- Recommends that regulations specific to activities for the storing, packing, preparation and processing of cannabis be consistent with Ministry Bylaw Standards, which allows up to 35% lot coverage (calculated based on total lot area) for these supporting activities.

The City's proposed regulations for accessory cannabis activities is to limit this area to 15% of the total area designated for the production and cultivation of cannabis up to a maximum of 100 m².

Zoning Amendment Bylaw 10062 enables the City to prohibit the production and cultivation of cannabis in the ALR and apply land use regulations to the maximum extent permitted by Provincial legislation.

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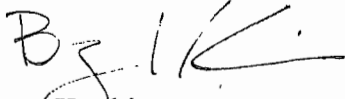


August 28, 2019

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Staff have considered the feedback from the ALC, and in light of Council's desire to regulate cannabis production and related activities as much as possible, staff do not feel that revisions to the proposed OCP and Zoning Bylaw amendments are required.

If you require any further information, please contact me directly at 604-276-4139.

A handwritten signature in black ink, appearing to read 'B. Kopkin', with a horizontal line extending to the right.

Barry Kopkin
Manager, Policy Planning

BK:cas

Att. 2

pc: SMT
Joe Erceg, MCIP, General Manager, Planning and Development
Kevin Eng, Planner 2

*Food Security Agricultural Advisory Committee (FSAAC)
Excerpt of Meeting Minutes from August 27, 2019*

Cannabis Official Community Plan and Zoning Bylaw Amendments

Barry Konkin, Manager of Policy Planning, introduced proposed cannabis bylaws to be considered at the Public Hearing on September 3, 2019 and provided the following comments:

- The Provincial Agricultural Land Reserve (ALR) Regulation was amended to allow the use of agricultural land for producing cannabis lawfully and that it may not be prohibited if the cannabis is produced:
 - outdoors in a field; or
 - inside a structure that has a base consisting entirely of soil that meets those conditions set out in s.8(2) of the ALR Regulation; or
 - as of July 13, 2018, inside an existing building or structure (or a building or structure under construction) previously used for the purpose of growing crops.
- The new Provincial ALR Regulation now permits all forms of cannabis production as a farm use, subject to obtaining a Federal Health Canada license. Local governments have the ability to limit cannabis production up to the three conditions identified in the ALR Regulation. The proposed bylaws will limit cannabis production in Richmond to the fullest extent possible as per the ALR Regulation.
- The proposed bylaws also introduce minimum setbacks for cannabis production activities and additional size restrictions for cannabis accessory activities, such as storage and processing.

Discussion ensued regarding Metro Vancouver's role in regulating emissions for cannabis production and processing operations, requirements associated with the Federal Health Canada license. In response to questions from the Committee, Staff noted Metro Vancouver will be undertaking consultation with the Committee in September regarding this issue.

The Committee noted the previous stance taken by the Committee regarding cannabis, and the concern of limiting the ability for farmers to diversify crops. Staff noted that the proposed bylaws still allow cannabis production as per the ALR Regulation, rather than an outright prohibition as previously proposed.

As a result of the discussion, the Committee provided the following comment:

- The Committee has no opposition to the proposed cannabis bylaw amendments, provided that opportunities for the economic diversification of crops are maintained.



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

August 28, 2019

Reply to the attention of Shannon Lambie
ALC Planning Review: 46523
Local Government File: 08-4430-03-10/2019-Vol 01

Barry Konkin
Manager, Policy Planning Planning and Development Division
BKonkin@richmond.ca

Delivered Electronically

Re: City of Richmond Official Community Plan Bylaw # 9000, Amendment Bylaw 10061 and Richmond Zoning Bylaw 8500, Amendment Bylaw 10062 - Cannabis Related Official Community Plan and Zoning Bylaw Amendments in Response to the New Provincial Agriculture Land Reserve Use Regulations

Thank you for forwarding a draft copy of the City of Richmond's (the "City's") City of Richmond Official Community Plan Bylaw # 9000, Amendment Bylaw 10061 and Richmond Zoning Bylaw 8500, Amendment Bylaw 10062 (the "Proposed Amendments") for cannabis production within the Agricultural Land Reserve (ALR) for review and comment by the Agricultural Land Commission (ALC).

The following comments are provided to help ensure that the Proposed Amendments are consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

Current Proposal:

The Proposed Amendment clarifies that regulations limiting cannabis production through the use of the definition "Agriculture" will only apply to land outside of the ALR. Additionally, a new section regulating cannabis in the ALR states the only permitted methods of cannabis production and cultivation are:

- Outdoors in a field, or inside a structure that has a base consisting entirely of soil that meets those conditions set out in s.8(2) of the *ALR Use Regulations*; or
- Inside an existing building or structure (or building under construction) previously used for the purpose of growing crops.

The minimum setbacks to lot lines for both cultivation (indoor and outdoor) and cannabis storing, packing, preparing and processing activities are as follows:

- 30 m to any lot line;

- 60 m to any lot line that abuts or is adjacent to land zoned anything other than Agriculture (AG1); and
- 150 m measured from the lot line of a site zoned School & Institutional Use (SI) or Assembly (ASY)
- Cannabis storing, packing, preparing and processing facilities are restricted to be calculated at 15% of cannabis production area, up to a maximum of 100 m².

Legislative History:

In January 2014, the ALC released an information bulletin for *medical marihuana* production in the ALR in response to the 2013 amendments to Health Canada's Marihuana for Medical Purposes Regulation (MMPR). The information bulletin advised that medical marihuana production is considered a farm use and permitted within the ALR, so long as the facility is licensed under the federal licensing program.

In August 2018, the ALC released an information bulletin for *cannabis* production in the ALR in response to amendments to the ALCA to regulate cannabis production in the ALR. The information bulletin advised that, as of July 13, 2018, cannabis is considered a *designated* farm use so long as it is produced in a field or inside a structure that has a base consisting entirely of soil, or a pre-existing structure that was constructed for the purpose of growing crops inside of it.

In May 2019, the ALC released a revised information bulletin for cannabis production in the ALR in response to new amendments to the ALC Regulation . The information bulletin advised that, as of February 22, 2019, cannabis is considered a farm use (no longer a "designated farm use") meaning that all forms of cannabis production are now considered a farm use (i.e. not just when produced in a field or inside a structure that has a base consisting entirely of soil, or a pre-existing structure that was constructed for the purpose of growing crops inside of it).

Local governments now have the authority to prohibit cannabis production facilities except those uses described above.

ALC Staff Response:

Due to the February 22, 2019 amendments to the ALC Use Regulation 30é2019, local governments now have the authority to prohibit all cannabis production facilities except:

- cannabis grown outdoors,
- or inside a structure that has a base consisting entirely of soil,
- or a pre-existing structure that was constructed for the purpose of growing crops inside of it).

However, the bylaw appears to prohibit the cultivation of cannabis in a field or in a soil based structure or pre-existing structure within 30 m to any lot line, 60 m to any lot line that abuts or is adjacent to land zoned other than AG1, and 150 m from the lot line of a site zoned School Institutional Use or Assembly. ALC Staff support the proposed setbacks for buildings, as these

are consistent with the Minster's Bylaw Standards, however, there should be no setbacks for field cultivation.

In addition, the proposed bylaw limits cannabis storing, packing, preparing and processing facilities to 15% of the total area designated for production and cultivation of cannabis (in a building or outside) up to a maximum of 100 m². ALC staff recommends implementing regulations consistent with the Minster's Bylaw Standards; specifically the Bylaw should not restrict the area of a lot which may be covered by *buildings* and *structures* for farm use, to an area less than 35%.

ALC staff looks forward to working further with the City on the preparation of its cannabis regulations and hopes that this initial review will help provide guidance for the drafting of its regulations.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7005 or by e-mail (Shannon.Lambie@gov.bc.ca).

Best regards,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Shannon Lambie, Regional Planner

CC: Ministry of Agriculture – Attention: Alison Fox