



May 22, 2019

The Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations & Rural Development
Parliament Buildings
Victoria, BC, V8V 2C2

RE: Shift in Provincial Policy on Cannabis Production in the ALR

Dear Minister Donaldson,

In June 2018, the president of the Union of BC Municipalities (UBCM) met with you to discuss emerging concerns about the production of cannabis in the Agricultural Land Reserve (ALR). At that time Minister Popham had declared a conflict of interest in relation to cannabis production.

Although UBCM was pleased with the outcomes of that meeting, we now have concerns about the position that the provincial government has recently taken on this file. Specifically, UBCM is concerned with the legislative and regulatory amendments that were made in February 2019 and which shifted provincial policy on cannabis production in the ALR.

In early May the Agricultural Land Commission (ALC) released their "Revised Information Bulletin 04 – Cannabis Production in the ALR." At that time UBCM became aware that, effective February 22, 2019, the *Agricultural Land Commission Act* and the ALR Use, Subdivision and Procedure Regulation (now the ALR General Regulation) were amended, and the ALR Use Regulation was created.

Within these amendments, the provincial policy on cannabis production in the ALR shifted in order to recast all cannabis production in the ALR as farm use – meaning that applications to the ALC are no longer required for any form of cannabis production.

The UBCM Executive discussed this issue at their May 2019 meeting and would like to identify our key concerns as well as a number of questions that we have.

Lack of Consultation

UBCM was not consulted on the legislative and regulatory changes that have changed the characterization of cannabis production in the ALR. We understand that the changes did not directly impact the *Local Government Act*, but we strongly believe that the amendments have significant impacts on our members and that UBCM should have been consulted.

Based on this, we would like clarification on:

- The rationale for the changes to consider all cannabis production in the ALR as farm use
- The reason that UBCM and/or local governments were not consulted in advance of the amendments

In addition, the Minister's Advisory Committee on the Revitalization of the ALC and ALR conducted a consultation process to gain local government and other stakeholder feedback. Based on this, the committee recommended in its December 2018 final report that an immediate moratorium on non-soil bound production be established and that the ALC be provided with the authority to consider all cannabis-related applications. We understand from discussions with Ministry of Agriculture staff why a moratorium was not considered, but we could like clarification as to:

- Why the Committee's recommendation to provide the ALC with the authority to consider all cannabis-related applications was not pursued

Delay in Informing Local Governments

As it appears that many local governments were unaware of the change to consider all cannabis production as farm use, and that consequently the ALC would no longer be considering applications for cannabis production, the amendments have had the effect of creating a 3-month gap in which some forms of cannabis production may have been unregulated in terms of ALC oversight and/or local government land use regulation. Given the requirements for creating or amending local government bylaws, it is foreseeable that this gap could continue to exist for many more months.

Based on this, we would like clarification on:

- Why the change was not immediately communicated to local governments
- The general status of applications that may have been made to the ALC for non-farm use cannabis production since February

Monitoring & Enforcement

As the ALC no longer has a vetting role in proposals for cannabis production on the ALR, it is implied that monitoring and enforcement of allowable land use will increasingly be a local government responsibility.

Based on this, we would like clarification on:

- The extent to which local governments are now expected to provide monitoring and enforcement of allowable ALR land use in relation to cannabis production
- How the Minister's Bylaw Standards, or other guidance documents, will be revised or developed to support local governments in this role

Please note that separate correspondence is being prepared for Minister Popham in regards to the impacts of Bill 15 on our members, and the lack of consultation on that file.

UBCM supports collaboration as the best means to develop policy solutions to address concerns. As such, we look forward to your response to the concerns we have raised and the specific issues that we have asked for clarification on.

Sincerely,



Arjun Singh

President, UBCM

cc: Jennifer Dyson, Chair, Agricultural Land Commission

Lorie Hrycuik, Executive Director, Corporate Governance, Policy & Legislation Branch, Ministry of Agriculture

Mary Shaw, Executive Director, Cannabis Legalization and Regulation Secretariat

Arlene Anderson, Manager - Legislation, Corporate Governance, Policy and Legislation Branch, Ministry of Agriculture