

Cannabis Production Facility

A Guide to the Municipal Approvals Process in Chilliwack
October 2018

Introduction

The City of Chilliwack has prepared this brochure to assist you in understanding the municipal approval process and submission requirements for Rezoning Applications concerning the establishment of a Cannabis Production Facility.

This brochure describes:

- Cannabis Production Facility (Designated Farm Use) & Cannabis Production Facility (Non-Farm Use);
- regulations concerning Cannabis Production Facilities;
- rezoning application submission requirements; and
- where to obtain additional information.

Upon review of the following information, anyone intending to submit a Rezoning application is encouraged to first contact the Planning & Strategic Initiatives Department for assistance.

What is the difference between a Cannabis Production Facility (Designated Farm Use) and a Cannabis Production Facility (Non-Farm Use)?

Cannabis Production Facility (Designated Farm Use) = permitted on all properties within the ALR subject to the *ALC Act* and *ALR Use, Subdivision and Procedure Regulation*.

Cannabis Production Facility (Designated Farm Use) means the cultivation, growth, or production, and ancillary storage and distribution, of cannabis that is:

1. *located on land within the Agricultural Land Reserve;*
2. *a designated farm use pursuant to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation; and,*
3. *lawfully permitted and authorized under Federal Law including the Access to Cannabis for Medical Purposes Regulation or the Cannabis Act.*

Cannabis Production Facility (Non-Farm Use) = permitted as a “Special Industrial” Use within the M6 (Special Industrial) Zone only.

Cannabis Production Facility (Non-Farm Use) means the cultivation, growth, or production, and ancillary storage and distribution, of Cannabis, that is lawfully permitted and authorized under Federal Law including the Access to Cannabis for Medical Purposes Regulation or the Cannabis Act.

What are the Regulations Concerning Cannabis Production Facilities?

Non-Farm Use

Council for the City of Chilliwack adopted a series of text amendments to the Zoning Bylaw to provide for and regulate Cannabis Production Facilities within the City. Based on considerations such as the stringent security requirements of Health Canada, the level of servicing necessary and the incompatibility with residential and other land uses, etc. Council determined that Cannabis Production Facilities (Non-Farm Use) be permitted within the M6 (Special Industrial) Zone only. Any proponent wishing to establish a Cannabis Production Facility (Non-Farm Use) within Chilliwack will need to apply for a rezoning application that is subject to public input and Council approval. Further regulations concerning the M6 (Special Industrial) Zone can be found online at www.chilliwack.com.

Designated Farm Use

Cannabis Production Facilities (Designated Farm Use) are only permitted on properties within the Agricultural Land Reserve (ALR). As per the regulatory changes made by the Ministry of Agriculture, Local Governments may prohibit cannabis production in the ALR unless it is grown in ways that preserve the productive capacity of agricultural land. Local Governments may prohibit cement-based, industrial-style, cannabis-production bunkers on ALR land. Local Governments may not prohibit cannabis production if grown lawfully:

- in an open field;
- in a structure that has a soil base;
- in a structure that was either fully constructed or under construction, with required permits in place, prior to July 13, 2018; or
- in an existing licensed operation.

For more information regarding the Agricultural Land Commission (ALC) regulations, please refer to ***Information Bulletin 04: Cannabis Production in the ALR*** available on the ALC website at www.alc.gov.bc.ca

Should a producer wish to pursue a cement-based, industrial style cannabis-production bunker on ALR land, a Non-Farm Use application must be made to the Agricultural Land Commission (ALC). Said application would be subject to review by the City's Agricultural and Rural Advisory Committee and Council Consideration. Should Council resolve to forward the application to the ALC, the Commission would determine whether or not to approve the non-farm use. A rezoning or Temporary Use Permit would then be necessary (subject to public input and Council consideration) to permit such non-farm uses on ALR land, on a site by site basis.

What are the Rezoning Application Submission Requirements?

Non-Farm Use

Due to the limited number of M6 (Special Industrial) Zoned sites that have been approved for specific land uses, any proponent wishing to establish a Cannabis Production Facility (Non-Farm Use) within the City of Chilliwack would need to identify a site that is appropriately designated "Special Industrial" within the Official Community Plan and submit a rezoning application for the site. An Official Community Plan re-designation to "Special Industrial" is likely required in conjunction with a rezoning

application to the M6 (Special Industrial) Zone. The suitability of the site for re-designation will depend on the proposal's ability to demonstrate how the operation will co-exist with surrounding uses.

When an application is made to rezone a property to the M6 (Special Industrial) Zone, development approval information will be required in a report certified by a Qualified Professional in accordance with the Official Community Plan and Development Approvals Information Bylaw. The development approval information must include the following:

1. Compliance of the activity or development with the Official Community Plan and any other relevant City bylaw, plan or policy in preparation or adopted by Council;
2. Compatibility with adjacent and community land uses, functions, form, character, aesthetic and scale of development;
3. Socioeconomic impacts affecting the day to day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, local services and sociocultural issues;
4. Land use impacts such as noise, vibration, glare and electrical interference;
5. Transportation demand management strategies, including, but not limited to: transportation impacts, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity and accessibility;
6. Air quality impacts including, but not limited to, pollution, dust, fumes, smoke and odours;
7. The impact on ground and surface water quality including, but not limited to, pollution, temperature, oxygen levels, acidity, nutrients, silts, and pathogens;
8. Local infrastructure and site servicing including, but not limited to, drainage, water sewer or other utilities; and
9. The phasing and timing of the activity or development.

Additional information concerning other impacts of the proposed activity or development may be necessary as determined by the Director of Planning and Strategic Initiatives. Referrals to internal and external agencies may also be necessary.

How Can I Find Out More?

For information related to your specific application please contact:

City of Chilliwack
Planning & Strategic Initiatives Department
8550 Young Road
Chilliwack BC V2P 8A4
Phone: 604-793-2906
Fax : 604-793-2285
<http://www.chilliwack.com>

This brochure has been prepared to provide guidance only. It is neither a bylaw nor legal documents. Please consult the *Local Government Act* and its Regulations, and the City of Chilliwack Zoning Bylaw and applicable codes for definite requirements and procedures.