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## ALR NON-SOIL BASED CANNABIS PRODUCTION FACILITY

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### 1. PURPOSE

To guide property owners, applicants, staff and Council when preparing and reviewing applications to amend Zoning Bylaw 2950 to permit ALR Non-Soil Cannabis Production use. This policy does not fetter Council's discretion when considering individual applications.

### 2. SCOPE

The *Agricultural Land Reserve Use Regulation*, BC Reg 30/2019 includes Cannabis Production as a "farm use" that cannot be prohibited if the cannabis is produced:

- (a) outdoors in a field;
- (b) inside a structure that has a base consisting entirely of soil; or
- (c) in a structure constructed or under construction before July 13, 2018 for the purpose of growing crops.

Bylaw 3797 established new uses for cannabis production facilities within the ALR to differentiate between cannabis production facilities that are a "farm use" and cannot be prohibited ("ALR soil-based cannabis production facility") and those that are prohibited unless explicitly permitted in the Zoning Bylaw ("ALR non-soil based cannabis production facility"). This policy applies to zoning amendment applications for ALR non-soil-based cannabis production facilities.

### 3. DEFINITIONS

**"ALR non-soil based cannabis production facility"** means a cannabis production facility which does not qualify as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve;

**"ALR soil-based cannabis production facility"** means a cannabis production facility which qualifies as a farm use under section 8 of the *Agricultural Land Reserve Use Regulation*, BC Reg. 30/2019, and is located entirely on land designated as within the BC Agricultural Land Reserve.

#### 4. POLICY

##### Location

Locate ALR cannabis production:

- a. On lands currently used for farming where the cannabis production facility supports current and future non-cannabis related agricultural activities;
- b. On lands that have low agricultural potential, as determined by a professional agrologist;
- c. In proximity to existing farm structures and farm infrastructure to reduce land alterations and loss of agricultural land;
- d. Away from creeks, wetlands and other environmentally sensitive features.

##### Structures

- a. Applicants are expected to provide development concept plans with the zoning amendment application to confirm the location, size and form of all structures and associated development;
- b. Proposed structures for ALR non-soil based cannabis production facilities are to be designed to accommodate alternative agricultural uses.

##### Application Process

In addition to the Municipality's standard zoning amendment application process, the following additional procedures will be required for applications for ALR non-soil based cannabis production facilities:

- a. Applications will be referred to the Agricultural Land Commission, School District #79, the North Cowichan RCMP and any jurisdiction neighbour within 300 metres of subject property.
- b. Applications will be forwarded to the Cowichan Agricultural Society and registered or selected community associations for information and comment.

#### 5. ROLES & RESPONSIBILITIES

Applicants will be expected to demonstrate compliance with this policy in the zoning amendment application.

Staff will include an analysis of the application's compliance with this policy as part of the staff report to Council

#### APPROVAL HISTORY

WRITTEN BY: Chris Hutton, Community Planning Coordinator	APPROVED BY: Council	DATE: August 19, 2020
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