
INFORMATION BULLETIN

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Ministry of Agriculture

Federally licensed medical marijuana production in the ALR

VICTORIA – The B.C. government has formalized a June 2014 announcement by amending the Agricultural Land Reserve Regulation to specifically identify federally licensed medical marijuana production as a farm use in the ALR which local governments can regulate, but not prohibit.

The amendment recognizes and respects the federal government's policy and legislation around the production of medical marijuana and provides consistency for communities throughout British Columbia.

The Ministry of Agriculture has also developed a corresponding Bylaw Standard. The Bylaw Standard establishes the limits to which local governments can restrict the production of medical marijuana in the Agricultural Land Reserve, and provides local governments with ready-to-use bylaw provisions developed following consultations with local governments. The bylaw standard does not impact licensed facilities outside of the Agricultural Land Reserve.

The Ministry of Agriculture has sent letters to each local government in B.C. advising them of the change in regulation and outlining the new bylaw standard. The Province will start working with local governments immediately so that they align local bylaws with provincial regulations. The B.C. government expects that all local government bylaws will be consistent with the regulation and the bylaw standard by early fall of this year.

The bylaw standard is designed to ensure as much land as possible in the ALR is used for agricultural purposes, while balancing the needs of communities and other legislation. For example a bylaw requiring a minimum setback of no more than 30 metres from any watercourse allows farmers to meet all environmental regulations that require a 30 metre setback, while not risking the use of additional areas of farmland beyond the 30 metres for non-agricultural purposes. Similarly, in the unlikely event there is a school or park neighbouring a facility in the ALR, a 150 metre setback from the property line provides distance from the school or park and also considers the impacts to land in the ALR that might have a lesser likelihood of being used for agriculture.

Contained in the Standard for local government bylaws:

- Have a minimum setback of no more than 30 metres from any watercourse,
- Have a maximum lot coverage of no less than 35%, and a maximum height of no less than 15 metres,
- Have minimum setbacks between 15 to 30 metres (at the local government's discretion) from any property line,
- Have a minimum setback of no more than 30 metres from any neighbouring residential

use outside of the ALR if a buffer is used, and 60 metres if a buffer is not used. (buffers can combine separation, vegetation and fencing to mitigate the impacts of farming and urban activities.)

- Have a minimum setback of no more than 150 metres from any neighbouring park and school,
- Require a storm water and agricultural liquid waste management plan if the facility is larger than 3700 square metres, or if it covers more than 10% of the lot
- The bylaw standard also includes a provision that there should not be a minimum lot size requirement for medical marijuana production facilities.

Bylaw standards must be adopted by local governments that are regulated under the Local Government Act. Currently Abbotsford, Delta, and Kelowna and Township of Langley are regulated. The bylaw standard also requires medical marijuana production facilities on the ALR in regulated communities have a minimum setback of no more than 100 metres from any urban and ALR boundary. Over the coming months, the Ministry of Agriculture will work with all local governments in B.C., both regulated and unregulated, so that all local government bylaws regarding medical marijuana production facilities in the ALR licensed under Health Canada's Marihuana for Medical Purposes Regulations are consistent with the bylaw standard.

The Bylaw Standard was developed following consultation with local governments, agriculture producers, stakeholders and is in the Ministry's 'Guide for Bylaw Development in Farming Areas' at: <https://www2.gov.bc.ca/gov/topic.page?id=9D07864B66FC4D29A441B0AD24695BD7>

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