

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**CANNABIS PRODUCTION FARM BYLAW 2020 NO. 5577**

**EXPLANATORY NOTE**

Bylaw 2020 No. 5577 provides a Farm Bylaw pursuant to Sections 481, 551, 552 and 553 of the Local Government Act to regulate cannabis production as a farm use in the Agricultural Land Reserve in the Township of Langley.

## THE CORPORATION OF THE TOWNSHIP OF LANGLEY

### CANNABIS PRODUCTION FARM BYLAW 2020 NO. 5577

WHEREAS Sections 481, 551, 552 and 553 of the Local Government Act authorize the Township of Langley to make Farm Bylaws in relation to farm areas with the approval of the Minister of Agriculture;

AND WHEREAS Council considers that regulation is desirable to regulate cannabis production as a farm use in the Agricultural Land Reserve in the Township of Langley;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

#### Title

1. This Bylaw may be cited for all purposes as "Township of Langley Cannabis Production Farm Bylaw 2020 No. 5577".

#### Severability

2. If any part, section, sub-section, clause or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and the validity of the remaining provisions of this Bylaw shall not be affected.

#### Definitions

3. In this Bylaw, unless the context otherwise requires:

**"Accessory Cannabis Processing"** means an accessory use to Cannabis Production and includes the drying, sorting, trimming, chopping, testing, packaging, storage or wholesale distribution of cannabis, but does not include secondary processing of cannabis including but not limited to the production of oils, creams, health products, and food and beverage products.

**"Agricultural Land Reserve"** means land designated as the Agricultural Land Reserve by the Government of British Columbia.

**"Buffer"** means a device or feature arranged and maintained to screen or separate adjoining land uses or properties, and includes any combination of setbacks, vegetation, ditches, roads, landscaping, berming, and fencing.

**"Building"** has the meaning ascribed to it in the Township of Langley Zoning Bylaw 1987 No. 2500, as amended.

**“Cannabis Retail and Dispensary”** means premises used for the retail sale, barter, distribution or dispensing of cannabis or any products containing or derived from cannabis, or the advertising or offering of such items for retail sale, barter, distribution, or dispensing, and includes a cannabis spa/health clinic and other personal services that use cannabis or any products containing or derived from cannabis.

**“Cannabis Production”** means the growing and cultivation of cannabis.

**“Cannabis Research and Development”** means the systematic research or technical or scientific development of cannabis or any products containing or derived from cannabis, and may include a research laboratory, but does not include Cannabis Production.

**“Dwelling Unit”** has the meaning ascribed to it in the Township of Langley Zoning Bylaw 1987 No. 2500, as amended.

**“Local Contact Person”** means an individual associated with a Cannabis Production operation who is responsible for responding to air quality management issues on the Site.

**“Site”** means a farm operation located on a lot or contiguous lots upon which cannabis is grown.

**“Stormwater”** is any precipitation converted to surface runoff water.

**“Structure”** has the meaning ascribed to it in the Township of Langley Zoning Bylaw 1987 No. 2500, as amended.

**“Wastewater”** is any water emanating from the cannabis production process, including process water and sanitary sewage.

## **Application**

### **4. For clarity:**

- a) This Bylaw applies only to areas where “Agricultural Use” is a permitted use pursuant to the Township of Langley Zoning Bylaw 1987 No. 2500, as amended, and that are within the *Agricultural Land Reserve* in the Township of Langley.
- b) Subject to the provisions of this Bylaw, *Cannabis Production* and *Accessory Cannabis Processing* are permitted uses of land within the *Agricultural Land Reserve* in the Township of Langley.
- c) Notwithstanding any provision of this Bylaw, *Cannabis Retail and Dispensary* and *Cannabis Research and Development* are not permitted within the *Agricultural Land Reserve* in the Township of Langley.

### Conditions for Cannabis Production

5. *Cannabis Production* must comply with the following requirements:

- a) the person producing cannabis must hold a valid licence that authorizes the applicable *Cannabis Production* activities at the *Site*, issued by the Government of Canada;
- b) *Cannabis Production* is only to be conducted within the *Agricultural Land Reserve*;
- c) *Cannabis Production* must comply with all applicable legislation and regulations of the Government of Canada, the Government of British Columbia, the Metro Vancouver Regional District, and the Township of Langley;
- d) the *Site* on which *Cannabis Production* takes place must have a valid water license issued by the Government of British Columbia, if applicable, and the person producing cannabis must comply with Township of Langley Waterworks Regulation Bylaw 2008 No. 4697, if applicable;
- e) *Cannabis Production* must be conducted in a zone where "Agricultural Use" is a permitted use, pursuant to the Township of Langley Zoning Bylaw 1987 No. 2500, as amended;
- f) the person producing cannabis must hold a valid business licence issued by the Township of Langley; and
- g) the person producing cannabis must designate a *Local Contact Person* who is responsible for:
  - o ensuring that the air quality management system is operated according to the design specifications; and
  - o responding promptly should air quality management issues arise.

6. *Cannabis Production* must only occur outdoors in a field or inside a *Structure* that:

- a) has a base consisting entirely of soil, or
- b) that was, before July 13, 2018,
  - i) constructed for the purposes of growing crops inside it, or
  - ii) under construction for the purpose referred to in Section 6(b)(i), if that construction
    - 1) was being carried out in accordance with all applicable authorizations and enactments, and
    - 2) continued without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry, and

that has not been altered since that date to increase the size of its base or to change the material used as its base.

## **Cannabis Farm Standards**

7. *Cannabis Production and Accessory Cannabis Processing* must meet the following farm standards:

- a) *Buildings or Structures* in which *Cannabis Production and Accessory Cannabis Processing* activities take place must be setback a minimum of:
  - i) 100 metres from the *Agricultural Land Reserve* boundary;
  - ii) 30 metres from top of bank of all watercourses identified in Map 11 – *Watercourse Classification* in the Township of Langley Official Community Plan (Bylaw 1979 No. 1842), as amended;
  - iii) 30 metres from all domestic water supply intakes;
  - iv) 30 metres from all property lines; and
  - v) 200 metres from all daycares, schools, parks, places of worship, community care facilities, and Langley Memorial Hospital, measured from nearest property line;
- b) Where a parcel adjacent to the *Site of Cannabis Production* has a *Dwelling Unit*, a *Buffer* shall be installed. The *Buffer* must be designed and maintained according to Ministry of Agriculture standards for farm-side *Buffers*, including but not limited to:
  - i) a minimum width of 6 metres;
  - ii) a minimum height of 6 metres at maturity;
  - iii) a vegetative *Buffer* may be:
    - i. a double row of evergreen conifers with staggered planting;
    - ii. a mixed, staggered planting of deciduous/coniferous tree and hedging/screening shrub species with foliage from base to crown and a minimum of 60% evergreen conifers; or
    - iii. a berm with hedging/screening shrubs.
  - iv) crown density of vegetative *Buffers* must be 50-75% at maturity.
- c) submission and implementation of an air quality management plan, as outlined in this Farm Bylaw; and
- d) submission and implementation of a *Stormwater* management plan and *Wastewater* management plan, as outlined in this Farm Bylaw, if the total impervious area of farm buildings and structures exceeds 3,700 square metres or covers more than 10% of the *Site*.

### **Accessory Cannabis Processing**

8. *Accessory Cannabis Processing* is permitted accessory to *Cannabis Production* and must meet the following requirements:
- a) the person processing cannabis must hold a valid licence that authorizes the applicable *Accessory Cannabis Processing* activities at the *Site*, issued by the Government of Canada;
  - b) *Accessory Cannabis Processing* must comply with all applicable legislation and regulations of the Government of Canada, the Government of British Columbia, the Metro Vancouver Regional District, and the Township of Langley;
  - c) *Accessory Cannabis Processing* must occur inside an enclosed *Building* or *Structure* equipped with an air quality system; and
  - d) the floor area used for *Accessory Cannabis Processing* is limited to the smallest of:
    - i. 20% of the floor area used for *Cannabis Production*;
    - ii. 2,000 square metres; or
    - iii. a maximum area prescribed by the Agricultural Land Commission, BC Ministry of Agriculture, or Government of Canada.

### **Management Plans**

9. An air quality management plan shall be submitted at the time of building permit application, business licence application, or business licence renewal, whichever comes first, and shall include:
- a) a description of the *Site*, including:
    - i) the name of the *Site* and location (street address) where *Cannabis Production* occurs; and
    - ii) the full name of the *Local Contact Person* and contact phone number;
  - b) a description of the air quality system designed and certified by a Professional Engineer, licensed in the Province of British Columbia and familiar with air quality systems:
    - i) to be installed in all *Buildings* or *Structures* in which *Cannabis Production* and *Accessory Cannabis Processing* activities take place;
    - ii) to meet a standard prescribed by the Metro Vancouver Regional District; and
    - iii) to comply with all applicable air emission requirements of government agencies and ministries including but not limited to Health Canada, British Columbia Ministry of Environment and Metro Vancouver Regional District;

- c) a detailed air quality monitoring program, designed and certified by a Professional Engineer licensed in the Province of British Columbia and familiar with air quality systems, to meet or exceed the standards specified in section 9(b) of this Farm Bylaw.
10. A *Stormwater* management plan, prepared by a Professional Engineer licensed in the Province of British Columbia and familiar with *Stormwater* management systems, shall be submitted at the time of building permit application, business licence application, or business licence renewal, whichever comes first, and shall:
    - a) provide a description of how the *Site* is to be drained and graded to divert surface runoff water from buildings, storage areas, parking areas, and driveways constructed of impermeable materials;
    - b) provide a description of how the *Stormwater* management plan is designed to discharge post development peak flows from the lot at the same rate as naturally occurred before the farm operation was built (pre-development levels); and
    - c) include a review, conducted by the engineer, of the impacts of the proposed drainage system on the existing downstream drainage system and submit confirmation that no negative impacts are anticipated on down gradient properties.
  11. A *Wastewater* management plan, prepared by a Professional Engineer licensed in the Province of British Columbia and familiar with *Wastewater* management systems, shall be submitted at the time of building permit application, business licence application, or business licence renewal, whichever comes first, and shall:
    - a) comply with criteria established by the Ministry of Environment for the treatment and disposal of *Wastewater*;
    - b) include a water maintenance, monitoring, and performance plan, acceptable to the Township of Langley and the Ministry of Environment; and
    - c) ensure that samples of effluent discharged from the *Wastewater* treatment system are collected and analyzed by a certified laboratory.
  12. A *Wastewater* facility or plan may be modified from time to time based upon the monitoring results.
  13. A noise mitigation plan, prepared by a Professional Engineer licensed in the Province of British Columbia and familiar with noise mitigation and management, shall be submitted at the time of building permit application, business licence application, or business licence renewal, whichever comes first, and shall identify ways in which noise resulting from Cannabis Production and accessory activities is mitigated to prevent unreasonable disturbance to neighbours.

#### **Bylaw Contraventions and Enforcement**

14. Township Bylaw Enforcement Officers are hereby authorized to investigate potential contraventions of this Bylaw and to enter a *Site*, with reasonable notice to the *Site* owner and/or *Local Contact Person*, for that purpose.

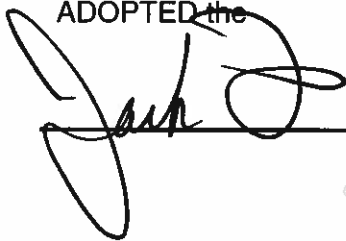
**Offence and Penalty**

- 15. Any person who contravenes or violates any provision of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence under this Bylaw.
- 16. Each day that a violation continues or exists under this Bylaw is a separate offence.
- 17. Every person who commits an offence under this Bylaw is liable on summary conviction to a fine of not more than \$10,000.00, or to imprisonment for not more than six months, or to both.

**Repeal Bylaw 2019 No. 5496**

18. The Township of Langley Cannabis Production Farm Bylaw 2019 No. 5496 is hereby rescinded.

READ A FIRST TIME the 09 day of March , 2020.  
READ A SECOND TIME the 09 day of March , 2020.  
READ A THIRD TIME the 09 day of March , 2020.  
RECEIVED THE APPROVAL OF THE 14 day of April , 2020.  
MINISTRY OF AGRICULTURE the  
ADOPTED the 20 day of April , 2020.



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Mayor



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Township Clerk

