

# PUBLIC NOTICE

## Zoning Bylaw Amendments

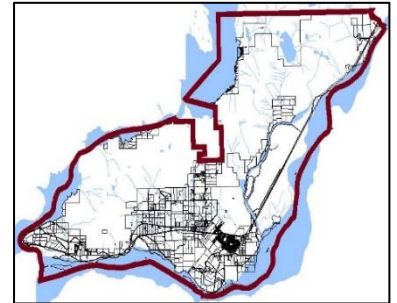


### NOTICE OF PUBLIC HEARING AMENDMENT BYLAW 1683

**Date & Time:** December 13, 2021 at 7:00 pm

**Location:** 7170 Cheam Avenue, Agassiz, BC  
or [kentbc.ca](http://kentbc.ca) (registration for live stream required)

#### Bylaw 1683 Subject Land



Council of the District of Kent will be holding a public hearing for *District of Kent Zoning Bylaw, Amendment Bylaw No. 1683, 2021*.

If adopted, Bylaw 1683 would:

- Allow properties within the ALR to have forms of cannabis operations that may not be prohibited by local governments and limited indoor micro-cannabis cultivation facilities.
- Limit indoor micro-cannabis cultivation facilities and associated farm product processing to a floor area of no more than 900 m<sup>2</sup>.
- Limit site coverage of all farm-related commercial and farm-related industrial uses to the maximum site coverage of no more than 5% on lots greater than 4 ha or 0.2 ha on lots equal to or less than 4 ha.
- Revise the Agriculture Commercial Zone to an Agri-Industrial Zone to provide a rezoning opportunity for large scale cannabis facilities in the ALR.

#### For More Information

Please contact Lisa Beaulieu, Director of Development Services  
Phone: (604) 796-2235 | Email: [mlbeaulieu@kentbc.ca](mailto:mlbeaulieu@kentbc.ca)

#### View Draft Bylaws

Copies of the draft bylaw and all background materials will be available for viewing on-line at [kentbc.ca](http://kentbc.ca) and in the front foyer at Municipal Hall, 7170 Cheam Avenue, from November 26, 2021 to December 13, 2021 during regular office hours of 8:30 am to 4:30 pm excluding holidays.

#### Send Your Comments

**Email:** [mlbeaulieu@kentbc.ca](mailto:mlbeaulieu@kentbc.ca)

**Mail:** Director of Development  
Services

District of Kent  
PO Box 70  
Agassiz, BC V0M 1A0

All comments will be distributed to Council. Comments must be received by 12:30 pm, December 13, 2021.

#### COVID-19

Due to the recent Regional Health order, Council Chambers has limited capacity for in-person attendance. The public is strongly encouraged to participate and/or observe remotely via live stream on the District's website ([kentbc.ca](http://kentbc.ca)) or through written submission. If you attend in-person, masks will be mandatory at all times, except when speaking.



**REPORT TO COUNCIL**

**DATE:** October 18, 2021 **FILE:** Bylaw 1683

**FROM:** M. Lisa Beaulieu, Director of Development Services

**PREPARED BY:** Bronwen Verigan, Planner II

**SUBJECT:** Amendment Bylaw 1683 - Cannabis Operations in the ALR

**RECOMMENDATION:**

**THAT** Council considers giving first and second readings to the *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1683, 2021*;

**AND THAT** Council considers setting a Public Hearing for December 13, 2021 for *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1683, 2021*;

**AND THAT** Council considers giving first, second and third reading to *Business Licencing and Regulation Amendment Bylaw No. 1485.04, 2021*;

**AND THAT** Council considers amending the *Fees and Charges Bylaw* to introduce a micro-cannabis cultivation or cannabis cultivation and associated farm product processing business licence fee of \$500 + \$1.00 per m<sup>2</sup> of building gross floor area related to farm product processing, if *District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1683, 2021* is adopted.

**BACKGROUND:**

**1.0 Key Dates - Cannabis Regulations in the ALR**

The following are a list of key dates related to cannabis regulations and actions taken by the District of Kent:

- **July 2013** – the federal government adopts the Marihuana for Medical Purposes Regulation, enabling commercial licenced production. No regulations were established for building height, lot coverage, setbacks, and minimum distance from other uses.

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- **October 2013** – Kent adopts Zoning Amendment Bylaw 1501 to exclude medical cannabis production facilities from the agricultural use definition and limits these facilities to a Special Industrial (M3) zone.
- **June 2015** – ALR Regulations were amended to add the production of marihuana in accordance with the Marihuana for Medical Purposes Regulation as a designated farm use in the ALR (allowing the District to regulate but not prohibit the use).
- **July 2018** – ALR Regulations were amended to repeal and replace “the production of marihuana in accordance with the Marihuana for Medical Purposes Regulation” with “the lawful production of cannabis” subject to producing cannabis in a manner prescribed in the ALR Regulation – outdoors in a field, or inside a structure with a base consisting entirely of soil, or inside a structure for growing crops (built or under construction prior to July 13, 2018). If not grown as prescribed, cannabis production was not considered a farm use and required Agricultural Land Commission (ALC) approval of a non-farm use application.
- **October 2018** – the federal government legalized recreational cannabis use and production through The Cannabis Act (C-45).
- **February 2019** – the ALR General and ALR Use Regulations were approved by the Province, which brought Bill 52 changes into force and restructured the content of the replaced ALR Use, Subdivision and Procedure Regulation.
- **May 2019** – ALC Bulletin 04 - Cannabis Production in the ALR was revised to highlight a wording change in the February 22, 2019 ALR Use Regulation that no longer designates a subset of cannabis production as a ‘designated farm use’. Lawful cannabis production is now permitted in the ALR without ALC approval, irrespective of the type of structure used for growing. The bulletin also addresses the extent to which a local government has the authority to prohibit ALR cannabis production, if desired, outlining the methods of cannabis production that can’t be prohibited by a local government, except with approval of the Minister of Agriculture.

## 2.0 Cannabis as a Farm Use

The following provides an overview of relevant regulations, policies, and guidelines for cannabis operations in the ALR.

Like other agricultural uses, cannabis operations in the ALR will need to adhere to normal farm practices and environmental standards established through legislation such as the *Environment Management Act*, *Integrated Pest Management Act*, and *Public Health Act*.

Consideration for health, safety, and welfare are addressed within Health Canada Regulations, policing authority, and the BC Building Code.

## **2.1 Cannabis Production in the ALR**

**Agricultural Land Commission (ALC):** The ALC recognizes cannabis production as a permitted farm activity on ALR lands, however local governments may regulate cannabis production and prohibit certain forms of cannabis production that are not protected by Section 8 of the ALR Use Regulation.

In general, local governments cannot prohibit the production of cannabis outdoors in a field, inside a structure that has a base entirely consisting of soil, or inside a structure built before July 13, 2018 for the purpose of growing crops.

**Ministry of Agriculture, Food and Fisheries (MOA):** Local government have been encouraged to use the MOA's (2015) Discussion Paper and Minister's Bylaw Standards for "Regulating Medical Marihuana Production Facilities in the Agricultural Land Reserve" when creating regulations for non-medical cannabis production in the ALR. The Minister's Bylaw Standards include guidelines for setbacks, height, and lot coverage for cannabis production facilities.

**District of Kent:** Kent does not currently allow cannabis production facilities other than what cannot be prohibited by a local government under Part 2 Section 8 of the ALR Use Regulations. Setbacks, height, and lot coverage specific to cannabis production have not been established.

## **2.2 Farm Product Processing in the ALR**

**ALC:** Section 11 of the ALR Use Regulation allows for the packing, preparing, and processing of farm products if at least 50% of the farm product is produced either on that agricultural land or by an association to which the owner of the agricultural land belongs. There is no building threshold area in the ALR Use Regulation beyond the maximum 1,000 m<sup>2</sup> area for the removal of soil or placement of fill.

While farm product processing may not be prohibited, local government may regulate this activity, for example, by setting a maximum building area or maximum site coverage.

Farm product processing facilities fall under ALC's definition for farm-related commercial and farm-related industrial uses. ALC Policy L-24 provides general guidelines for infrastructure and land use limits for farm-related commercial/industrial uses in the ALR.

**District of Kent:** Kent's Zoning Bylaw does not regulate density, site coverage or floor area for farm-related commercial/industrial uses however, most of Kent's agricultural related zones include a maximum site coverage for all buildings ranging from 20 to 30 percent.

### 3.0 Industrial Land Base and planning considerations for Agri-Industrial

This section provides context for regional and local industrial lands and planning considerations for an agri-industrial use. Proposed Bylaw 1683 includes regulations to manage farm-related commercial and farm-related industrial uses.

#### 3.1 Regional and Local Context

In 2019, the District contracted Urban Systems to prepare the “District of Kent Community Industrial Sustainability (CIS) Plan”.

The CIS Plan highlighted how the industrial land base in the Lower Mainland is heavily constrained, characterized by low vacancies, high prices and limited lot size.

For Kent, the CIS Plan found that there is a notably constrained land base for non-agricultural uses.

- Of the total District land area net of Crown holdings, nearly 60% is within the ALR.
- Of the 40% that is not in the ALR, nearly all is either utilized or inappropriate for industrial purposes.
  - After netting out the Agassiz townsite, areas that are used or designated for residential, and lands with steep slopes (>5%), only 1.3% of the District land area remains.
  - That remaining 1.3% (approximately 230 acres), is comprised of a smattering of disparate, non-contiguous parcels which would be of limited use for industrial.

#### 3.2 Agri-Industrial uses on ALR

There are only a few situations where sites in the ALR may be considered for agri-industrial<sup>1</sup> activity. Cannabis operations are one of these situations given the opportunity for farm product processing or other related activities without ALC approval.

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<sup>1</sup>Agri-industrial is explained in Kent’s CIS Plan as operations are commercial-industrial uses that provide support or add value to primary agricultural productions. Generally, Agri-industrial operations fall into three categories:

1. **Agri-commercial:** provides inputs to primary agricultural production (e.g., supplies, services, mixing, combining) or adds value to agricultural outputs (primary processing such as washing, grading and packaging, direct marketing).
2. **Agri-industrial:** adds value through the conversion of raw agricultural materials into agricultural inputs (e.g., soils, fertilizers, composting) or value-adding post-harvest activities (e.g., secondary processing such as slaughtering, cooking, preserving) that transform, preserve and prepare agricultural production for consumption.
3. **Agri-enterprise:** farm-based activity accessory to primary production that may be comprised of one or more Agri-industrial components.

The CIS Plan highlights how the agri-food industry is particularly important in a place like Kent where most non-Crown land is in the ALR and where 75% of effective ALR land is being actively farmed with cultivated field crops. The CIS Plan notes that finding ways to capitalize on agri-industrial opportunities will be critical for the District's future economic development.

Further, the CIS Plan identified that, generally, there has not been a strategic approach for the allocation of non-farm (ALC approval required) and farm-related (ALC approval not required) industrial uses on ALR land in Kent and highlighted the following planning challenges, economic issues, and high-level direction for considering agri-industrial uses.

#### Planning Challenges

1. Determining an acceptable level of impact on the farmland base from allowing agri-industrial uses (washing, cleaning, and processing of farm products, packaging, preparing, and storage of farm products, storage of fertilizers, mulches and soil conditioners).
2. Determining the economic need for agri-enterprises to have accessory agri-industrial components to be viable (feed processing, grading and warehousing in greenhouse operations, storage and application of compost from agricultural wastes produced on the farm).
3. Determining an acceptable level of agri-industrial activity in farming operations.

#### Economic Issues

1. On one hand, taking a narrow definition of the on-farm enterprise to discourage agri-industrial activity may restrict the development of legitimate agri-industrial enterprises, or place them at an unsustainable economic disadvantage against more profitable users of industrial land.
2. On the other hand, the increasing scale of some farming operations may permit relatively large agri-industrial uses in the ALR.

#### High-level direction for considering agri-industrial uses

1. Regulatory devices such as community plans, zoning bylaws and the ALR should act to provide regulatory certainty. However, it must also be ensured that agricultural areas maintain their long-term purpose.
2. There needs to be a better understanding of the impact of the Agri-industrial businesses on improving the viability of agricultural lands.
3. The District may offer an ideal test ground for clustered agri-industrial development, which is arguably more effective in protecting farmland, and allows for more efficient provision of agri-industrial services, versus ad-hoc and dispersed development and spot zoning. This could

be one angle to pursue with the ALC, versus a traditional industrial use exclusion application (or non-farm use).

4. A clear definition of “farm industrial use” would be required, and a monitoring process identified, with a focus on primary agricultural production.
5. A rural agri-industrial zone could be created, providing an exclusive designation that represents a component in a non-overlapping continuum from the farm to industrial designations.
6. The District can play a key role in looking to change how agri-industrial companies are viewed by the ALC and help to bring innovative practices to the agricultural sector.

While the direction provided in the CIS Plan includes both non-farm (ALC approval required) and farm-related (ALC approval not required) agri-industrial uses, the planning principles aimed to preserve the fertile farmland are relevant when looking at allowing cannabis operations.

### ***3.3 Final Committee Report to the Minister of Agriculture: Recommendation 15***

In December 2018, the “Final Committee Report to the Minister of Agriculture: Recommendations for Revitalization” was released. Recommendation 15 was to “protect the ALR from anticipated significant impacts of federal cannabis legalization”.

While the legislative changes following this report eventually gave local governments the freedom to regulate most non-soiled based buildings, the Final Committee Report provided some insight to the cannabis industry operating in the ALR. The cannabis industry:

- Is a new and relatively unknown industry supported by substantial capital investment.
- Has potential impacts on the ALR which are likely to be significant and are not yet fully understood.
- The projected impacts may be substantial due to the number and scale of the industrial structures both in place and proposed.
- May experience an initial boom and bust cycle, which could result in large industrial structures being abandoned in the ALR, thus alienating the use of the land for soil-based agriculture and potentially being repurposed for generic industrial uses.

The Final Committee Report recommended a precautionary approach to the construction of large scale, highly specialized cannabis facilities in the ALR.

#### 4.0 The Future of B.C.'s Food System

In July 2019, a Task Force was appointed by the Premier of British Columbia to carry out work on food security in BC resulting in the 2020 "The Future of B.C.'s Food System" (the FBFS Report). The FBFS Report highlights how:

- agricultural technology is redefining what it means to be a farmer and how a new generation of farmers are adapting traditional growing and harvesting practices to greenhouses, urban rooftops, shipping containers and other unconventional sites.
- agritech supports all stages of food production, processing, and distribution.
- farmers are increasingly driving research into seed genomics, climate-controlled greenhouses, sensor monitored growing technologies, advanced refrigeration systems and numerous other agritech solutions.

Further, the FBFS Report notes how climate adaptation is driving agritech development around the world and that BC has an opportunity to build on its position as a leader in protecting the environment and mitigating greenhouse gas (GHG) emissions.

One of the 4 recommendations included in the FBFS Report is to ensure there is a place to grow food and support emerging agritech industries by examining land use policies and other regulatory considerations.

The FBFS Report highlights the need to balance space for the agri-tech industry while ensuring the most fertile land is protected for agricultural production. Given most ALR land in Kent has high soil quality, finding a balance of protecting fertile land and supporting the agri-tech industry is important. While cannabis may not necessarily be considered a "food" product, the type of indoor facilities being developed to produce and process cannabis may create/support food production and processing opportunities in the future.

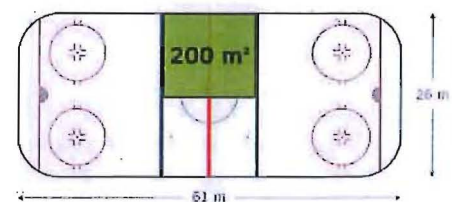
#### 5.0 Micro-Cannabis Operations

This section provides an overview of micro-cannabis operations as Bylaw 1683 includes an amendment to allow micro-cannabis operations (with conditions) in the ALR.

##### 5.1 Micro-Cultivation

Micro-cultivation means the small-scale growing of cannabis plants and harvesting material from those plants.

A holder of a micro-cultivation licence is limited to a maximum surface area of 200 m<sup>2</sup> in which all the cannabis plants, including all the parts of the plants, must be contained and must cultivate, propagate, or harvest cannabis plants only



Micro-license maximum cannabis cultivation area (Image sourced from Health Canada)

from that surface area - this would include areas with multiple surfaces such as surfaces that are vertically arranged.

Cultivation may be conducted indoors or outdoors however, the cannabis plant surface area would include any indoor/outdoor areas at any single time. Building space to support cannabis production (e.g., employee washrooms, office, etc.) is not limited.

Although security requirements are less than larger producers or dispensaries, security measures<sup>2</sup> are still an important part of receiving and maintaining a Micro Cultivation Licence in addition to other licence requirements such as odour control and mitigation requirements.

An aggregator company for craft cannabis, BC Craft Supply Co. (formerly Pasha Brands Ltd.), developed a “Understanding Cannabis Micro-cultivation for Municipalities” guide in 2019. This guide provides some insight on typical micro-cannabis production infrastructure as follows:

**Water:** Cannabis plants need 15-20 litres of water per day for each plant. For a micro-cultivator with 500 plants, this amounts to 7,500-10,000 litres per day. This is a fraction of what standard cultivators are using. Micro-cultivation facilities are developing effective water conservation strategies such as rain water collection, and reusing water from fertigation systems and dehumidifiers.

**Electricity:** This is the number one input for micro-cultivation facilities. A micro-cultivation facility will use only 1% of the energy used by a medium sized 20,000 m<sup>2</sup> facility. New developments in LED technology and the use of hybrid greenhouse facilities that still utilize sunlight are all helping to reduce this cost.

**Wastewater:** Micro-cultivation facilities are striving to reduce the discharge of waste water by recirculating hydroponic systems, which recycle fertigation water.

**Organic Waste:** Composting is the preferred method of disposal for the organic waste that is produced by cultivation operations. Almost all communities in B.C. have access to a commercial composting operation. It does not need to be disposed of in landfills.

## 5.2 Micro-Processing

A micro-processing licence allows holders the ability to transform their plant material into other types of finished products.

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<sup>2</sup> A holder of a licence for micro-cultivation, micro-processing or a nursery must ensure that the security measures specified as per section 74 of the Cannabis Regulations are complied with in respect of the site set out in the licence. For more information on required security measures, see the Government of Canada’s 2019 guide “Physical Security Measures Guide for Cannabis” <https://www.canada.ca/content/dam/hc-sc/documents/services/drugs-medication/cannabis/laws-regulations/regulations-support-cannabis-act/guide-physical-security-measures/guide-physical-security-measures.pdf>

The micro-processing licence comes with a processed quantity restriction of 600 kg of dried products (or equivalent) and must be conducted indoors. There is no limit on building area.

As previously discussed, Section 11 of the ALR Use Regulation allows for the packing, preparing and processing farm products if at least 50% of the farm product is produced either on that agricultural land or by an association to which the owner of the agricultural land belongs.

**5.3 Potential challenges and benefits with indoor micro-cannabis operations**

Table 1 identifies potential challenges and benefits for allowing indoor micro-cannabis operations.

Table 1. Benefits and Challenges of INDOOR Micro-Cannabis Operations	
Challenges	Benefits
<ul style="list-style-type: none"> <li>• Potential ecological impacts</li> <li>• Loss of agricultural lands to hard surfaces</li> <li>• May encourage more people to replace other agricultural uses</li> <li>• Potential to attract many craft cannabis operators</li> <li>• May increase noise, vapour, and light pollution with more facilities</li> <li>• Potential for direct sales in the future</li> <li>• Potential for odour with more facilities</li> </ul> <p>May lead to non-farm related industrial uses</p>	<ul style="list-style-type: none"> <li>• May support other small-scale agricultural activities</li> <li>• Potential employment opportunities</li> <li>• Collection of DCCs</li> <li>• Potential for unique tourism opportunities if direct sales are permitted in the future</li> <li>• May encourage small-scale cannabis growers into the legal market</li> <li>• More options to manage noise, odour, vapour and light pollution compared to outdoor or greenhouse production</li> <li>• May attract “craft” cannabis industry related economic development</li> </ul> <p>May create future opportunities for climate controlled food production spaces</p>

**DISCUSSION:**

At the direction of Council, a zoning bylaw amendment has been prepared to regulate cannabis operations in the ALR.

**1.0 Kent’s regulation objectives**

Regulation objectives identified for Kent include:

- not frustrating federal law<sup>3</sup>;
- addressing community concerns for noise, odour, vapour and light pollution;

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<sup>3</sup> Federal laws aim to provide for legal production of cannabis to reduce illegal activities and allow adults to possess and access regulated, quality-controlled legal cannabis.

- minimizing impacts of farm-related commercial and farm-related industrial uses in the ALR; and
- ensuring the regulations are consistent with the Minister of Agriculture, Food, and Fisheries' Bylaw Standards.

## **2.0 Review of Lower Mainland Municipalities' Regulations (April 2021)**

Staff reviewed regulations from 12 Lower Mainland municipalities in Metro Vancouver and Fraser Valley Regional District containing most of the ALR lands in the Lower Mainland. These municipalities include:

- Cities of Abbotsford, Chilliwack, Delta, Langley, Maple Ridge, Pitt Meadows, Surrey, Richmond,
- Districts of Hope, Mission,
- Township of Langley, and
- Village of Harrison of Hot Springs.

As of April 2021, common practices between municipalities were difficult to establish except for a couple which are noted in Section 7. These common practices were generally consistent with ALC and MOA regulations and standards. Municipalities listed above did not have specified regulations for micro-cannabis operations.

## **3.0 Overview of proposed Zoning Bylaw amendments**

In general, Bylaw 1683 proposes to:

- Allow properties within the ALR to have forms of cannabis operations that may not be prohibited by local governments and limited indoor micro-cannabis cultivation facilities.
- Limit indoor micro-cannabis cultivation facilities and associated farm product processing to a floor area of no more than 900 m<sup>2</sup>.
- Limit site coverage all farm-related commercial and farm-related industrial uses to the maximum site coverage of no more than 5% on lots greater than 4 ha or 0.2 ha on lots equal to or less than 4 ha.
- Revise the Agriculture Commercial Zone to an Agri-Industrial Zone to provide a rezoning opportunity for large scale cannabis facilities in the ALR.

### **3.1 Definitions**

An explanation of the main definitions for cannabis and cannabis related uses are detailed below.

#### **a) Add a general "cannabis" definition.**

To provide a consistent definition with the *Cannabis Act*, the following definition is proposed:

*cannabis* has the same meaning as defined in the Cannabis Act (Canada)<sup>4</sup>.

This definition is commonly used by other municipalities.

**b) Replace “medical cannabis production facility” with “cannabis cultivation facility”**

To reflect the legalization of non-medical cannabis and its permitted use on ALR lands, the current “medical cannabis production facility” definition will be replaced with the following:

***cannabis cultivation facility*** use means a facility providing for the cultivating, propagating and harvesting of cannabis for which Health Canada has issued a licence but does not include the retail sale of cannabis or ***farm-related commercial and farm-related industrial uses***;

The intention of this definition is to separate “growing” activities of cannabis from associated cannabis “processing” activities, similar to ALC (i.e., cannabis production and farm product processing). To regulate these uses following ALC regulations and the Minister’s Bylaw Standards, separating cultivation from processing makes setting regulations for each use easier.

Farm product processing facilities falls under ALC’s scope for farm-related commercial and farm related industrial uses.

**c) Add a definition for a “micro-cannabis cultivation facility”**

The following definition is proposed for micro-cannabis which will be permitted with conditions on ALR lands:

***micro-cannabis cultivation facility*** use means a facility providing for the cultivating, propagating and harvesting of cannabis for which Health Canada has issued a licence for micro-cultivation but does not include the retail sale of cannabis or ***farm-related commercial and farm-related industrial uses***;

Like the definition for cannabis cultivation, the micro-cannabis cultivation definition separates “growing” activities of cannabis from associated cannabis “processing” activities and retail sales. Having this definition allows the District to specify where micro-cannabis cultivation will be permitted and to set a floor area maximum of 900 m<sup>2</sup> for a micro-cannabis facility and associated farm product processing. This floor area maximum is in addition to other general regulations that will apply to all forms of cannabis operations.

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<sup>4</sup>The Cannabis Act defines *cannabis* as means a cannabis plant and anything referred to in Schedule 1 but does not include anything referred to in Schedule 2. (*cannabis*)

**d) Add a definition for “farm-related commercial and farm-related industrial uses”**

The below definition describes farm-related commercial/industrial uses that may not be prohibited (but regulated) by local government and includes a maximum lot coverage as recommended in ALC’s Policy L-24.

***farm-related commercial and farm-related industrial uses*** means the use of land for industrial and commercial uses including all buildings, outdoor storage, landscaped areas, parking and loading areas, and new access roads permitted by the Agricultural Land Commission Act, and without limiting the generality of the foregoing includes: farm product processing facilities; farm product retail sales buildings; alcohol production facilities and their ancillary uses; pet breeding and boarding facilities; Class A compost facilities; and permanent infrastructure to support agri-tourism activities and gathering for events if approved by the Agricultural Land Commission. ***Farm-related commercial and farm-related industrial uses*** shall not exceed the following maximum lot coverage:

<i>Lots greater than 4 ha:</i>	<i>5%</i>
<i>Lots equal to or less than 4 ha:</i>	<i>0.2 ha</i>

With scarce industrial lands in the Lower Mainland and a trending agri-tech industry, managing the removal of fertile farmland for farm-related commercial and farm-related industrial uses is recommended.

Further research and community engagement is recommended in the future to establish a strategic approach for large scale farm-related commercial and farm-related industrial uses as discussed in the Kent Community Industrial Sustainability Plan.

**e) Update “agricultural” use definition**

The “agricultural” use definition will be updated to reflect ALC farm uses that may not be prohibited by local governments and remove the reference to “medical cannabis production facilities”.

**agricultural** use means a farm use as defined under the *Agricultural Land Commission Act* and includes all farm uses and regulations **that cannot be prohibited by local governments** as set out in the *Agricultural Land Reserve Use Regulation*, excluding medical cannabis production facilities;

### 3.2 General Regulations

Whether outdoors or within a lawful building or structure, the following general regulations will apply:

- be licensed by the Government of Canada and have all required provincial licences, permits, and approvals.
- must have a valid business license.
- be required to meet the proposed setbacks, height, and lot coverage requirements in Table 2.
- Provide stormwater and agricultural liquid waste management plans where the total impervious areas of builds and structures exceeds 3,700 square metres (approximately 40,000 square feet).

Table 2 shows how the proposed setback, height, and lot coverage regulations align with the Minister's Bylaw Standards and ALC Guidelines. Most neighbouring municipalities are using the Minister's Bylaw Standards.

Lot coverage for farm-related commercial and farm-related commercial industrial uses were not specified by most municipalities reviewed.

Table 2. Minister's Bylaw Standards /ALC Guidelines & Proposed Regulation			
		Standards/Guides	Proposed Regulation
<b>Setbacks (max<sup>5</sup>)</b>	Front lot line	15 to 30 m	30 m
	Exterior side lot line	15 to 30 m	30 m
	Interior side lot line	15 to 30 m	30 m
	Rear lot line	15 to 30 m	30 m
	Parks and schools	150 m	150 m
	Non-ALR residential uses	30 m w/ buffer 60 no buffer	60 m
	Well	30 m	30 m
	Riparian Area	30 m	30 m
<b>Height</b>	Building Height (BH)	15 m	Depends on Zone
<b>Lot Coverage</b>	Cannabis production use	35%	35%
	Farm-related commercial and industrial uses <sup>6</sup>	ALC recommends: Lots > 4 ha = 5% Lots < 4 ha = 0.2ha	Lots > 4 ha = 5% Lots ≤ 4 ha = 0.2ha

<sup>5</sup> The Minister's Bylaw Standards recommends maximums that local governments should use to minimize negative effects on farming.

<sup>6</sup> Lot coverage calculations for farm-related commercial/industrial uses includes all buildings, outdoor storage, landscaped areas, parking and loading areas, and new access road.

### **3.3 Proposed Zones**

The following zones will permit some form of a cannabis operation with conditions.

#### **a) Properties within Agriculture Land Reserve**

Cannabis operations in the ALR will be limited to operations that may not be prohibited by local governments and micro-cannabis cultivation facilities (with the prescribed site coverage and floor area maximums).

Although no minimum lot size is proposed, setback requirements of 30 m from all lot lines are required will limit opportunities for indoor micro-cannabis facility opportunities on smaller land parcels.

ALR lands within Kent are generally zoned Agricultural and Rural Residential.

#### **b) Agricultural Commercial Zone (A2)**

The Agricultural Commercial Zone will be renamed to Agri-Industrial Zone (A2) and a cannabis cultivation facility use in a permitted non-soil based building will be added to the list of permitted principal uses.

One property in the District of Kent is zoned A2 which is occupied by West Coast Robotics. Except for this one property, anyone interested in establishing a larger scale cannabis cultivation facility would need to apply for a Zoning Bylaw Amendment which triggers public notification requirements and opportunities for the community to provide their input.

The purpose of this zone is to allow for agricultural, agricultural industrial and agricultural commercial uses permitted and/or approved by the ALC.

General regulations for all lawful cannabis facilities such as setbacks, height and site coverage will still apply but there will be no set floor area for non-soiled based cannabis cultivation area; However, any placement of fill more than 1,000 m<sup>2</sup> will require authorization from the ALC.

#### **c) Special Industrial (M3)**

The District's M3 zone currently allows a "medical cannabis production facility". This definition will be replaced with cannabis cultivation facility.

The M3 zone was created in 2013 before all lawful cannabis operations were considered a farm use by the ALC. While the M3

zone may be appropriate for non-ALR properties, the zone poses some challenges for properties within the ALR. For example, the M3 zone includes many uses that are prohibited by the ALC and removes permitted agricultural related uses.

#### 4.0 Development Cost Charges

DCCs, in principle, are payable in respect of cannabis facilities; however, they must trigger issuance of a building permit or subdivision approval and a new capital cost burden on the District. The amount of the cannabis related DCCs must be similar to other types of development that impose similar capital cost burdens on the District.

#### 5.0 Business Licence Fee

Per s. 194 (4) of the *Community Charter*, the District needs to be able to justify the annual fee as being proportionate to the District's costs to administer business licencing for cannabis production facilities.

The business licence fee proposed are as follows:

- micro-cannabis cultivation or cannabis cultivation and associated farm product processing business licence fee of \$500 + \$1.00 per m<sup>2</sup> of building gross floor area related to farm product processing.

This proposed fee mirrors similar fees charged for businesses operating on ALR land.

The District's *Business Licence and Regulation Bylaw and Fees and Charges Bylaw* will need to be amended if Zoning Amendment Bylaw 1683 is adopted.

#### ENVIRONMENTAL CONSIDERATIONS:

The following environment considerations contained within this report are summarized below.

1. Cannabis operations in the ALR will need to adhere to normal farm practices and environmental standards established through legislation such as the *Environment Management Act*, *Integrated Pest Management Act*, and *Public Health Act*.
2. The proposed bylaw aims to balance farm-related commercial and farm-related industrial uses with the protection of fertile farmland.
3. Allowing micro-cannabis cultivation indoors may provide opportunities to reduce ecological impacts (e.g., recirculating hydroponic systems) and may provide climate controlled growing spaces in the future.
4. Large scale indoor cannabis operations will require rezoning allowing the District an opportunity to strategically locate facilities in an efficient manner (e.g., cluster approach).
5. Setbacks from wells and riparian areas have been established.



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THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1683

*“A bylaw to amend the District of Kent Zoning Bylaw 1219, 2001.”*

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**WHEREAS** the Council of the Corporation of the District of Kent has deemed it advisable to further amend Zoning Bylaw No. 1219, 2001;

**NOW THEREFORE** the Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as the “District of Kent Zoning Bylaw 1219, Amendment Bylaw No. 1683, 2021”.

2. **TEXT AMENDMENT**

- .i To repeal and replace the definitions of “**agricultural**”, “**medical cannabis production facility**”, and “**protected non-farm**” under Part 3 Definitions with the following:
  - a) **agricultural** use means a farm use as defined under the Agricultural Land Commission Act and regulations that cannot be prohibited by local government as set out in the Agricultural Land Reserve Use Regulation;
  - b) **cannabis cultivation facility** use means a facility providing for the cultivating, propagating and harvesting of cannabis for which Health Canada has issued a licence but does not include the retail sale of cannabis or **farm-related commercial and farm-related industrial uses**;
- .ii To add the following definitions under Part 3 Definitions:
  - a) **cannabis** has the same meaning as defined in the Cannabis Act (Canada).
  - b) **farm-related commercial and farm-related industrial uses** means the use of land for industrial and commercial uses including all buildings, outdoor storage, landscaped areas, parking and loading areas, and new access roads permitted by the Agricultural Land Commission Act, and without limiting the generality of the foregoing includes: farm product processing facilities; farm product retail sales buildings; alcohol production facilities and their ancillary uses; pet breeding and boarding facilities; Class A compost facilities; and permanent infrastructure to support agri-tourism activities and gathering for events if approved by the Agricultural

Land Commission. **Farm-related commercial and farm-related industrial uses** shall not exceed the following maximum lot coverage:

Lots greater than 4 ha:	5%
Lots equal to or less than 4 ha:	0.2 ha

- c) **micro-cannabis cultivation facility** use means a facility providing for the cultivating, propagating and harvesting of cannabis for which Health Canada has issued a licence for micro-cultivation but does not include the retail sale of cannabis or **farm-related commercial and farm-related industrial uses**;
- .iii To repeal Part 7.3.7 and replace it with the following under Part 7.3, Prohibited Uses of Land, Buildings and Structures:
- .7 Subject to the limitation set out in Section 4 and 8 of the Agricultural Land Reserve Use Regulation or as otherwise specifically permitted, **cannabis cultivation facility** is prohibited.
- Any lawful **cannabis cultivation facility** that cannot be prohibited in accordance with Section 4 and 8 of the Agricultural Land Reserve Use Regulation is subject to Part 7.23 of this bylaw.
- .iv To remove and replace any remaining references to “**medical cannabis production facility**” in the bylaw with “**cannabis cultivation facility**”.
- .v To remove and replace any remaining references to “**Agricultural Land Reserve Use, Subdivision and Procedure Regulation**” in the bylaw with “**Agricultural Land Reserve Use Regulation**”.
- .vi To add “Cannabis Production in the ALR” to Part 7 General Regulations:
- 7.23 Cannabis Production in the ALR
- .1 A lawful **micro-cannabis cultivation facility** is permitted.
- .2 Any lawful **cannabis cultivation facility** use that cannot be prohibited in accordance with Section 4 and 8 of the Agricultural Land Reserve Use Regulation or as otherwise specifically permitted shall:
- (a) be licensed by the Government of Canada and have all required provincial licences, permits, and approvals.
- (b) not exceed the maximum lot coverage of 35%

(c) whether outdoors or within a lawful building or structure, be setback a minimum of:

All lot lines	30 m
Parks and schools	150 m
Non-ALR residential uses	60 m
Well	30 m
Riparian Area	30 m

(d) have a valid business license.

(e) require stormwater and agricultural liquid waste management plans where the total impervious area of buildings and structures exceeds 3,700 square metres (approximately 40,000 square feet).

(f) provide an Agricultural Impact Assessment if required.

.2 **Farm-related commercial and farm-related industrial uses** associated with a lawful **cannabis cultivation facility** or **micro-cannabis cultivation facility** shall not exceed the following maximums lot coverage:

Lots greater than 4 ha:	5%
Lots equal to or less than 4 ha:	0.2 ha

.3 **Farm-related commercial and farm-related industrial uses** associated with a lawful **micro-cannabis cultivation facility** shall not exceed the following maximums floor area of 900 square metres.

.vii To rename Part 9.1B Agriculture Commercial Zone (A2) and repeal and replace it as follows:

### **9.1B Agri-Industrial Zone (A2)**

#### **Purpose**

*The purpose of an Agri-Industrial Zone is to allow for agricultural, agricultural industrial and agricultural commercial uses permitted and/or approved by the Agricultural Land Commission.*

#### **.1 Permitted Uses**

The following **principal** uses shall be permitted in an A2 zone:

.1 An **agricultural** use

- .2 a **commercial agricultural** use
- .3 a **single dwelling residential** use
- .4 a **cannabis cultivation facility** use (subject to Part 7.23)

The following **auxiliary** uses shall be permitted in an A2 zone:

- .6 an **accessory office** use
- .7 an **unenclosed storage** use
- .8 a **protected non-farm** use

## **.2 Conditions of Use**

- .1 A **cannabis cultivation facility** use within the A2 Zone is:

- (a) is permitted in a non-soil based building; and
- (b) subject to Part 7.23 of this bylaw.

### **.2 Illuminated Greenhouses**

(a) shall have sidewall abatement measures, such as curtains, screens, berms or plantings, for all side walls that expose neighboring properties and roads to light emissions and;

(b) must operate their lighting systems so that the calculated light emissions from the greenhouse do not exceed 5,000 lux.

- .3 A **protected non-farm** use may require a Business Licence in accordance with the District's Business Licencing and Regulation Bylaw.
- .4 Any principal use in an A2 zone shall not discharge or emit across lot lines odorous, toxic, or noxious matters or vapours.

**.3 Regulations**

In an A2 zone the following regulations contained in Table 9.1B shall apply:

<b>Table 9.1 B</b>	
<b>Element</b>	<b>Regulation</b>
<b>Density</b>	
<b>Site Coverage</b>	
For all <b>buildings and structures</b>	35% maximum of the lot size maximum
an <b>unenclosed storage</b> use	35% of the lot size maximum
<b>farm-related commercial and farm-related industrial uses</b>	Lots greater than 4 ha: 5% Lots equal to or less than 4 ha: 0.2 ha
<b>Lot Size</b>	8,000 square metres (2 acre) minimum
<b>Lot Width</b>	36 metres (118 feet) minimum
<b>Gross Floor Area</b>	
For a <b>single dwelling residential</b> use	See Part 7.14 Farm Home Plate
<b>Height</b>	
For all <b>buildings and structures</b>	12.0 metres (40 feet)
<b>Setbacks</b> (except <b>cannabis cultivation facility</b> , see Part 7.23)	
For all <b>buildings and structures</b> , from:	
<b>Front lot line</b>	6.0 metres (20 feet) minimum
<b>Rear lot line</b>	6.0 metres (20 feet) minimum
<b>Exterior side lot line</b>	6.0 metres (20 feet) minimum
<b>Interior side lot line</b>	6.0 metres (20 feet) minimum

### 3. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this day of

READ A SECOND TIME this day of

MINISTRY OF TRANSPORTATION APPROVAL this day of

A PUBLIC HEARING WAS HELD this day of

READ A THIRD TIME this day of

FINALLY PASSED AND ADOPTED this day of

**CERTIFIED CORRECT:**

\_\_\_\_\_  
Sylvia Pranger, Mayor

\_\_\_\_\_  
Wallace Mah, Chief Administrative Officer

**CERTIFIED A TRUE & CORRECT COPY**  
of "District of Kent Zoning Bylaw 1219,  
Amendment Bylaw No. 1683, 2021"  
adopted on this day of

\_\_\_\_\_  
Clair Lee, Director of Corporate Services



**DISTRICT OF KENT**

BYLAW NO. 1683  
 DATE: Oct 18, 2021  
 FILE NO. Bylaw 1683

INITIALS  
 REQUIRED

INITIALS  
 REQUIRED  
 (CLERICAL STAFF)

ORIGINATOR	CORP ADMIN	ACTION TO BE TAKEN	DONE	DATE
BV	<i>[Signature]</i>	<b>FIRST READING</b>		
BV		<b>SECOND READING</b>		
		Rescind Second Reading		
		Amend Bylaw and Re-read Second		
		Approval of Reg. Dist. (borrowing bylaws)		
BV	<i>[Signature]</i>	Approval of MoTI		
		Approval of Inspector of Municipalities		
		Approval of Ministry of Municipal Affairs		
		Advertise bylaw (or Waiving of bylaw)		
BV	<i>[Signature]</i>	Public Hearing		
BV		<b>THIRD READING</b>		
		Rescind Third Reading		
		Amend Bylaw and Re-Read Third		
		Approval of Inspector of Municipalities		
		Alternate Approval Process		
		Advertise Bylaw		
		Public Hearing		
		Quashing Period		
BV	<i>[Signature]</i>	<b>ADOPTION</b>		
		Quashing Period		
		File with Inspector of Municipalities		

**THIS MUST BE COMPLETED BY ORIGINATOR**

LEGAL AUTHORITIES

Local Government Act  
BC Transportation Act

MISCELLANEOUS

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**THE CORPORATION OF THE DISTRICT OF KENT****BYLAW NO. 1485.04**

*“A bylaw to amend Business Licencing and Regulation Bylaw No. 1485, 2012.”*

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**WHEREAS** the Council of the Corporation of the District of Kent has deemed it advisable to further amend the Business Licencing and Regulation Bylaw No. 1485, 2012;

**NOW THEREFORE** the Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

**1. CITATION**

This Bylaw may be cited for all purposes as “Business Licencing and Regulation Amendment Bylaw No. 1485.04, 2021”.

**2. TEXT AMENDMENT**

1. That the Business Licencing and Regulation Bylaw No. 1485, 2012 hereby be amended as follows:

a. Section 2, Definitions

i. To add the following definition for farm-related commercial and farm related industrial uses:

**farm-related commercial and farm-related industrial uses**

means the same as defined in the use of land for industrial and commercial uses including all buildings, outdoor storage, landscaped areas, parking and loading areas, and new access roads permitted by the Agricultural Land Commission Act, and without limiting the generality of the foregoing includes: farm product processing facilities; farm product retail sales buildings; alcohol production facilities and their ancillary uses; pet breeding and boarding facilities; Class A compost facilities; and permanent infrastructure to support agri-tourism activities and gathering for events if approved by the Agricultural Land Commission.

b. Section 4, Exemptions:

i. To remove 4.1 (e) and replace with 4.1 (e) and (f) as follows, renumbering the remaining exemptions as required.

- 4.1 The following are not required to hold a business licence in the District of Kent:
- (e) Farm Operations with the exception of farm-related commercial and farm related industrial uses and agri-tourism.
  - (f) Farm Retail Sales where 100% of the agricultural products are produced on the farm on which the retail sales are taking place.

READ A FIRST TIME this    day of

READ A SECOND TIME this    day of

READ A THIRD TIME this    day of

FINALLY PASSED AND ADOPTED this    day of

\_\_\_\_\_  
Sylvia Pranger, Mayor

\_\_\_\_\_  
Wallace Mah, Chief Administrative Officer

**CERTIFIED A TRUE AND CORRECT COPY**  
the bylaw cited as "Business Licencing and Regulation  
Amendment Bylaw No. 1485.04, 2021" adopted  
on this    day of

\_\_\_\_\_  
Clair Lee, Director of Corporate Services



**DISTRICT OF KENT**

BYLAW NO. 1485.C4  
 DATE: Oct 18, 2021  
 FILE NO. Bylaw 1485.04

INITIALS  
 REQUIRED

INITIALS  
 REQUIRED  
 (CLERICAL STAFF)

ORIGINATOR	CORP ADMIN	ACTION TO BE TAKEN	DONE	DATE	
BV	<i>[Signature]</i>	<b>FIRST READING</b>			
BV		<b>SECOND READING</b>			
		Rescind Second Reading			
		Amend Bylaw and Re-read Second			
		Approval of Reg. Dist. (borrowing bylaws)			
		Approval of MoTI			
		Approval of Inspector of Municipalities			
		Approval of Ministry of Municipal Affairs			
		Advertise bylaw (or Waiving of bylaw)			
		Public Hearing			
BV	<i>[Signature]</i>	<b>THIRD READING</b>			
		Rescind Third Reading			
		Amend Bylaw and Re-Read Third			
		Approval of Inspector of Municipalities			
		Alternate Approval Process			
		Advertise Bylaw			
		Public Hearing			
		Quashing Period			
BV		<i>[Signature]</i>	<b>ADOPTION</b>		
			Quashing Period		
	File with Inspector of Municipalities				

**THIS MUST BE COMPLETED BY ORIGINATOR**

LEGAL AUTHORITIES Community Charter

MISCELLANEOUS \_\_\_\_\_

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