



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED: JULY 22, 2019 - REGULAR EVENING MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: CANNABIS PRODUCTION FARM BYLAW

REPORT: 19-119
FILE: BA000023

RECOMMENDATIONS:

That Council give first, second and third reading to Cannabis Production Farm Bylaw 2019 No. 5496;

That Council give first, second and third reading to the Licencing Bylaw 2016 No. 5192 Amendment Bylaw 2019 No. 5497;

That Council give first, second and third reading to the Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2019 No. 5498; and further

That Council authorize staff to refer Cannabis Production Farm Bylaw 2019 No. 5496 to the Minister of Agriculture for approval.

EXECUTIVE SUMMARY:

Pursuant to provincial regulations, cannabis production has been deemed a farm use in the Agricultural Land Reserve (ALR). The Township of Langley, as a regulated local government under section 553 of the *Local Government Act*, has the ability to adopt farm bylaws, upon approval of the Minister of Agriculture affecting lands in the ALR. The proposed Cannabis Production Farm Bylaw regulates the production of cannabis in farming areas through:

- Licensing requirements;
- Designation of a local contact person to respond to issues;
- Limiting cannabis production to outdoors in a field, in a structure with a base consisting entirely of soil, or in a cement-based structure constructed or under construction as of July 13, 2018 for the purpose of growing crops;
- Setback requirements from urban/ALR boundaries, property lines, watercourses, domestic water supply intakes, and sensitive uses;
- Requiring a buffer when adjacent to a residential use;
- Preparation and implementation of management plans related to air quality, stormwater and wastewater; and
- Limiting accessory processing of cannabis farm products to primary processing only.

The suite of bylaws proposed would allow the Township to require a business licence for a cannabis farm and provide the Township with the authority to enforce the local regulations, if necessary.

PURPOSE:

This report presents Cannabis Production Farm Bylaw 2019 No. 5496 and other related bylaws to regulate the production of cannabis in the Agricultural Land Reserve in the Township of Langley.

BACKGROUND/HISTORY:

At the May 27, 2019 Council Priorities Committee meeting, staff provided a presentation relating to options for regulating cannabis production in the Agricultural Land Reserve (ALR). Subsequently, at its Regular Afternoon Meeting of May 27, 2019, Council passed the following resolution:

“That Council direct staff to prepare a farm bylaw that would provide the Township of Langley, as a “regulated” municipality, with the ability to regulate and, if deemed necessary, restrict or prohibit growing of cannabis in the ALR and other agriculturally zoned properties, for Council’s consideration and referral to the Minister of Agriculture for consideration of approval.”

DISCUSSION/ANALYSIS:

Legislative Framework

Regulation of cannabis production occurs at multiple levels of government and has changed over the past number of years as the legalization of medical marihuana and recreational cannabis has occurred. The table below summarizes the relevant legislation of cannabis production in chronological order.

Date	Policy
May 7, 2015	Medical marihuana becomes a designated farm use in the ALR and cannot be prohibited by local governments.
July 13, 2018	<p>The <i>Agricultural Land Reserve Use, Subdivision, and Procedures Regulation (ALRUSPR)</i> is amended to designate cannabis production as a farm use if it is produced:</p> <ul style="list-style-type: none"> • outdoors in a field; • in a structure with a base consisting entirely of soil; or • in a structure constructed or under construction as of July 13, 2018 for the purposes of growing crops inside of it. <p>The ALC requires forms of cannabis production not designated as a farm use in the <i>ALRUSPR</i> to submit a non-farm use application. Local governments have the authority to prohibit forms of cannabis production not designated as a farm use (i.e. new cement-bottomed structures).</p>
October 17, 2018	<p>The Federal <i>Cannabis Act</i> and <i>Cannabis Regulations</i> come into effect, legalizing recreational cannabis. The Federal legislation sets standards for production (such as security and control of odour), quality standards, licensing requirements, and the medical cannabis regime.</p> <p>The British Columbia government enacts the <i>Cannabis Control and Licensing Act</i> and <i>Cannabis Distribution Act</i>.</p>
February 22, 2019	The <i>ALRUSPR</i> is repealed and replaced with the <i>ALR General Regulation</i> and <i>ALR Use Regulation</i> . The <i>ALR Use Regulation</i> includes cannabis as a farm use and specifically states that cannabis produced in the manner described in the regulation (outdoors in a field, in a structure with a base consisting entirely of soil, or in a structure constructed or under construction as of July 13, 2018 for growing crops inside) cannot be prohibited by local governments, except through farm bylaws. Local governments continue to have the authority to prohibit forms of cannabis production not described in the regulation (i.e. new cement-bottomed structures).

Date	Policy
May 8, 2019	<p>The ALC clarifies in a bulletin that under the <i>ALR Use Regulation</i>, all forms of cannabis production are considered a farm use. As a result, applicants proposing cannabis production in new cement-based structures are not required to submit a non-farm use application to the ALC, as was required prior to February 22, 2019.</p> <p>Health Canada announces changes to cannabis licensing, requiring a fully-constructed facility when applying for a cannabis cultivation, processing, or sale for medical purposes.</p>
May 17, 2019	<p>Metro Vancouver releases a discussion paper titled “A Proposed Emission Regulation for Cannabis Production and Processing Operations in Metro Vancouver” (MV Proposed Emission Regulation). The paper proposes various requirements such as enclosing all processing and waste management activities in structures with air quality systems and setbacks from uses including residential, hospitals, schools and daycares. Metro Vancouver has authority through the <i>Environmental Management Act</i> to regulate air emissions, including odour and volatile organic compounds (VOCs) as a result of cannabis production.</p>

Options for Regulation

Currently, the Township does not regulate cannabis production in the ALR. As a local government, the Township has the ability to regulate cannabis production through zoning and business licensing. Since the Township is a regulated community under section 553 of the *Local Government Act*, it has the ability to adopt farm bylaws regulating farm practices, contingent upon approval by the Minister of Agriculture. Three (3) options are available to the Township to regulate cannabis production, as outlined below:

1. Least Restrictive: Take no action and do not restrict cannabis production
 - No limits on size and type of cannabis production and accessory facilities beyond current zoning bylaw provisions
 - Senior levels of government may impose regulations and restrictions regarding air quality and normal farm practices
2. More Restrictive: Limit cannabis production to the extent possible under the ALR Use Regulation
 - Requires approval of the Minister of Agriculture
 - Production permitted if outdoors in a field, in a structure with a base consisting entirely of soil, or in a cement-based structure constructed or under construction as of July 13, 2018 for growing crops inside
 - New cement-bottomed facilities not permitted
 - No regulation of farm practices or limitations on accessory uses
3. Most Restrictive: Adopt a farm bylaw to regulate cannabis production farm practices
 - Requires approval of the Minister of Agriculture
 - Production permitted if outdoors in a field, in a structure with a base consisting entirely of soil, or in a cement-based structure constructed or under construction as of July 13, 2018 for growing crops inside

- New cement-bottomed facilities not permitted
- Restricts siting of cannabis production facilities, size and nature of processing facilities
- Requires plans to address concerns regarding air quality and water

Council has directed staff to prepare a farm bylaw, which is the most restrictive option for regulating cannabis production. Option 3 builds upon Option 2 by further restricting cannabis production through setbacks, farm standards, and environmental management plans (air quality, stormwater and wastewater), in addition to limiting forms of production to outdoors in a field, in a structure with a base consisting entirely of soil, or in a structure constructed or under construction as of July 13, 2018 for growing crops inside.

Cannabis Production Farm Bylaw 2019 No. 5496 (the proposed Farm Bylaw)

The proposed Farm Bylaw would establish the following farm standards for:

- Licencing requirements
- Location of cannabis production
- Permitted forms of cannabis production
- Accessory and related uses
- Odour and air quality impacts
- Stormwater, wastewater, and groundwater impacts
- Visual and lighting impacts

Most of these farm standards are drawn from the Minister of Agriculture Bylaw Standards for Medical Marihuana Productions Facilities (Minister's Bylaw Standards). Other resources include bylaws adopted by other local governments (such as Delta, Kelowna, Abbotsford and Pitt Meadows) and the MV Proposed Emission Regulation.

The proposed farm bylaw is the result of collaboration between Township and Ministry of Agriculture staff to ensure that the proposed provisions address general community concerns and technical considerations of their respective constituents. The provisions are discussed in further detail below.

Licensing

The proposed farm bylaw would require persons producing and processing cannabis hold the following licences:

- A Cannabis Licence from Health Canada;
- A Water Licence from the Government of British Columbia, if using groundwater;
- An Air Permit from Metro Vancouver, if the proposed regulations are adopted; and
- A Business Licence from the Township of Langley.

Under the Federal Cannabis Regulations, Health Canada has the authority to issue combinations of cannabis licences under the following categories:

1. Standard Cultivation (to produce dried, fresh, plants and seeds on a large scale);
2. Micro-Cultivation (to produce dried, fresh, plants and seeds, up to 200 m²);
3. Nursery (to produce plants and seeds up to 50 m²);
4. Standard Processing (to manufacture products on a large scale);
5. Micro-Processing (to manufacture products using less than the equivalent of 600 kg dried cannabis per year);

6. Sale for Medical Purposes (to sell directly via mail to medical marihuana licence holders);
7. Industrial Hemp (to grow industrial hemp and make derivatives/products from it);
8. Cannabis Drug (to sell a drug or pharmaceutical product that contains cannabis);
9. Analytical Testing (to conduct any testing, including testing for third party); and
10. Research (to do research and development).

Based on other provisions in the proposed farm bylaw, Health Canada licence holders in categories 1 to 7, inclusive, would be able to establish a cannabis production facility with accessory processing activities (with maximum floor space limitations, see discussion below) in the Township.

Location

The proposed farm bylaw would regulate the location of cannabis-related uses, as follows:

- Cannabis production and primary processing are restricted to parcels in the ALR where zoning includes “Agriculture Use” as a permitted use, as defined in the Township of Langley Zoning Bylaw 1987 No. 2500, as amended.
- Buildings or structures in which cannabis production and processing activities take place must be set back:
 - 100 metres from the urban/ALR boundary;
 - 30 metres from all property lines;
 - 30 metres from top of bank of all watercourses;
 - 30 metres from all domestic water supply intakes; and
 - 200 metres from all daycares, schools, parks, places of worship, community care facilities, and Langley Memorial Hospital.

Metro Vancouver is proceeding with a proposal that would restrict cannabis production to at least 200 metres away from land zoned for residential use, hospitals, schools, playgrounds and senior care facilities, due to the health and environmental impacts associated with VOC emissions resulting in higher levels of ground-level ozone formation. This proposed approach is currently in the consultation stage.

Permitted Forms of Cannabis Production

The proposed farm bylaw would limit cannabis production to the forms described in the *ALR Use Regulation* under Section 8, as follows:

Cannabis production must only occur

1. outdoors in a field, or
2. inside a structure that:
 - a) has a base consisting entirely of soil, or
 - b) was, before July 13, 2018,
 - constructed for the purposes of growing crops inside it, or
 - under construction for the purpose of growing crops, if that construction
 - was being carried out in accordance with all applicable authorizations and enactments, and

- continues 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
- has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

New cement-bottomed structures for cannabis production would not be permitted under the proposed Farm Bylaw. By limiting cannabis production to the forms described above, productive soils would be protected from industrial-style buildings in the ALR, which might be used for other non-farm uses if the cannabis business failed. In addition, Health Canada requires a built facility before a cannabis licence application can be made. As the issuance of a licence is not guaranteed, this Federal policy could potentially lead to industrial-style buildings being used for non-farm uses if an applicant was not successful in obtaining a licence.

Accessory and Related Uses

Under Section 11 of the *ALR Use Regulation*, the use of agricultural land for storing, packing, preparing and processing farm products is a farm use that cannot be prohibited, as long as at least 50% of the farm product is produced on the agricultural land or by an association to which the owner of the agricultural land belongs. The proposed farm bylaw would require that processing and other accessory activities of cannabis production comply with the *ALR Use Regulation*, and further, would limit processing to primary processing only.

- Primary processing would be permitted accessory to cannabis production, provided that it is in an enclosed structure equipped with an air quality system.
- The floor area used for accessory cannabis processing would be limited to 20% of the floor area used for cannabis production, up to a maximum floor area of 2,000 m².
- Secondary processing such as oil extraction and manufacturing of edible products would not be permitted.
- Cannabis retail, dispensaries, and research and development would not be permitted.

The Federal *Cannabis Act* and the MV Proposed Emission Regulation require that cannabis processing occur indoors in a structure equipped with an air quality system. Applicants have informed staff that the space required for on-farm processing is approximately 20-30% of the floor area used for cannabis production. The proposed farm bylaw would limit the processing area to 20%, up to a maximum floor space of 2,000 m².

Cannabis farm-gate sales are not permitted under the provincial retail licencing regime and the proposed farm bylaw also prohibits cannabis retail in the ALR. The proposed farm bylaw would also prohibit other cannabis related-uses such as lounges, spas as well as research and development activities.

Odour and Air Quality Impacts

The proposed farm bylaw would address concerns about odour and air quality, using the following measures:

- Implementing an air quality management plan to remove a minimum of 90% of the odours, or a standard prescribed by the British Columbia Farm Industry Review Board or Metro Vancouver Regional District, whichever is greater.
- Identifying a local contact person, who would be responsible for responding to any issues that might arise.

The proposed farm bylaw would ensure that cannabis producers have an air quality management plan, when applying for a building permit, business licence or business licence renewal.

Stormwater, Wastewater and Groundwater Impacts

The proposed farm bylaw would address stormwater runoff, wastewater and impacts to groundwater, as follows:

- Stormwater and wastewater management plans must be submitted and implemented where the total impervious area of farm buildings and structures exceeds 3,700 m² or covers more than 10% of the site of cannabis production.
- The stormwater management plan must be designed to discharge post development peak flows at the same rate as naturally occurred before the farm operation was built and confirm that no negative impacts are anticipated on down gradient properties.
- The wastewater management plan must be in accordance with criteria established by the Ministry of Environment for the treatment and disposal of wastewater and include a water maintenance, monitoring and performance plan.
- A water licence must be issued by the provincial government if cannabis production uses groundwater. If municipal water is used, cannabis production must comply with Township of Langley Waterworks Regulation Bylaw 2008 No. 4697.

These requirements are consistent with the Minister's Bylaw Standards and a Township farm bylaw (Bylaw 1998 No. 3771) for mushroom operations.

The *Water Sustainability Act* requires licensing of groundwater for non-domestic uses. Licences are issued by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. Applications undergo a technical review to ensure there is enough water at the source that the demand will not affect the existing water rights of others or harm the water supply and aquatic ecosystem.

Visual and Lighting Impacts

To reduce potential conflicts between neighbours, the visual impacts of cannabis production, and impacts of lighting of greenhouses, the proposed farm bylaw requires buffers to be installed when properties adjacent to the site of cannabis production have a residential use. The buffer must be maintained and designed according to Ministry of Agriculture standards for farm-side buffers and offers an additional security feature for the cannabis producer.

Licensing Bylaw 2016 Amendment Bylaw 2019 No. 5497

Proposed Bylaw No. 5497 establishes an annual licensing fee of \$5,000 for cannabis production and replaces the licence category "Medical Marihuana Use". The fee for business licensing is the maximum allowable under the applicable legislation. It also clarifies that a cannabis production business requires a licence.

Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2019 No. 5498

Bylaw No. 5498 amends the Bylaw Notice Enforcement Bylaw 2008 No. 4703 to add provisions relating to the proposed Cannabis Production Farm Bylaw, including fines for failing to adhere to the farm standards and implement an air quality management program. The fines are the maximum allowable under the applicable legislation.

CONCLUSION:

Proposed Cannabis Production Farm Bylaw 2019 No. 5496 and other related bylaws regulate the production of cannabis in the ALR. It proposes to prohibit new cement-bottomed structures for the purposes of growing cannabis, limits processing to primary activities, requires plans for air quality, stormwater and wastewater, and includes setbacks from the ALR boundary, property lines and sensitive uses (such as community care facilities). While the proposed farm bylaw has been developed with the assistance of Ministry of Agriculture staff, it will require approval by the Minister of Agriculture. Subject to Council's approval, the proposed Bylaws and the accompanying staff report will be referred to Council's Agricultural Advisory and Economic Enhancement Committee for information.

Respectfully submitted,

Mikayla Roberts
AGRICULTURAL PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

CANNABIS PRODUCTION FARM BYLAW

2019 NO. 5496

EXPLANATORY NOTE

Bylaw 2019 No. 5496 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

2019 NO. 5496

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 2019 No. 5496".

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:
 - ensuring that the air quality management system is operated according to the design specifications; and
 - 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 2013 No. 5000), 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.

Air Quality Management Plan

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 remove a minimum of 90% of the odours, or meet a standard prescribed by the British Columbia Farm Industry Review Board or Metro Vancouver Regional District, whichever is greatest;
 - iii) to ensure that odours associated with *Cannabis Production* cannot be detected by a reasonable person of normal sensitivity within 30 metres of the *Buildings* or *Structures* in which *Cannabis Production* takes place; and

- iv) 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; and
- 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 sections 9(b)(i) through 9(b)(iv) of this Farm Bylaw.

Stormwater and Wastewater Management Plan

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, 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, 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.

Bylaw Contraventions and Enforcement

13. 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

- 14. 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.
- 15. Each day that a violation continues or exists under this Bylaw is a separate offence.
- 16. 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.

READ A FIRST TIME the	day of	, 2019.
READ A SECOND TIME the	day of	, 2019.
READ A THIRD TIME the	day of	, 2019.
RECEIVED THE APPROVAL OF THE MINISTRY OF AGRICULTURE the	day of	, 2019.
RECONSIDERED AND ADOPTED the	day of	, 2019.

_____	Mayor	_____	Township Clerk
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THE CORPORATION OF THE TOWNSHIP OF LANGLEY

LICENCING BYLAW 2016 NO. 5192

AMENDMENT BYLAW 2019 NO. 5497

EXPLANATORY NOTE

Bylaw 2019 No. 5497 amends the Township of Langley Licencing Bylaw 2016 No. 5192 to provide for the issuance of business licences for cannabis production.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

LICENCING BYLAW 2016 NO. 5192

AMENDMENT BYLAW 2019 NO. 5497

A Bylaw to Amend the Licencing Bylaw 2016 No. 5192

WHEREAS it is deemed necessary and desirable to regulate businesses within the Municipality;

AND WHEREAS Council has adopted the Township of Langley Cannabis Production Farm Bylaw 2019 No. 5496;

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

1. This Bylaw may be cited for all purposes as "Licencing Bylaw 2016 No. 5192 Amendment Bylaw 2019 No. 5497".
2. The Township of Langley Licencing Bylaw 2016 No. 5192 as amended is further amended by:
 - 1) Adding in alphabetical order the following definition to Section 2.2:

 "Cannabis Production" has the meaning ascribed to it in Cannabis Production Farm Bylaw 2019 No. 5496
 - 2) Adding the following as part of Part 3: LICENCE REQUIREMENTS:

 3.4 No person shall operate a Cannabis Production Business without a Licence.
 - 3) Deleting the following as part of Schedule "A":

Column 1	Column 2	Column 3
Licence Type	Licence Description	Licence Fee
Medical Marihuana Use		\$5000
- 4) Adding the following as part of Schedule "A":

Column 1	Column 2	Column 3
Licence Type	Licence Description	Licence Fee
Cannabis Production		\$5000

READ A FIRST TIME the	day of	, 2019.
READ A SECOND TIME the	day of	, 2019.
READ A THIRD TIME the	day of	, 2019.
RECONSIDERED AND ADOPTED the	day of	, 2019.

_____ Mayor _____ Township Clerk

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703

AMENDMENT BYLAW 2019 NO. 5498

EXPLANATORY NOTE

Bylaw 2019 No. 5498 updates the Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703 to permit a violation of the Township of Langley Cannabis Production Farm Bylaw 2019 No. 5496 to be addressed through the issuance of a bylaw notice.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703
AMENDMENT BYLAW 2019 NO. 5498

A Bylaw to Amend the Bylaw Notice Enforcement Bylaw 2008 No. 4703

WHEREAS it is deemed necessary and desirable to permit a violation of the Township of Langley Cannabis Production Farm Bylaw 2019 No. 5496 to be addressed through the issuance of a bylaw notice;

AND WHEREAS Council has adopted the Township of Langley Cannabis Production Farm Bylaw 2019 No. 5496;

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

1. This Bylaw may be cited for all purposes as "Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2019 No. 5498".
2. The Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703 as amended is further amended by:
 1. Adding the following as part of Schedule "A":

Township of Langley Cannabis Production Farm Bylaw 2019 No. 5496 (the "Bylaw")

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Failure to meet the conditions for Cannabis Production	5 and 6	\$500
Failure to meet the farm standards	7	\$500
Failure to meet the requirements for Accessory Cannabis Processing	8	\$500
Failure to adhere to the air quality management plan	9	\$500
Failure to conduct an air quality monitoring program	9(c)	\$500
Failure to adhere to the storm water management plan	10	\$500
Failure to adhere to the waste water management plan	11	\$500

READ A FIRST TIME the _____ day of _____, 2019.
 READ A SECOND TIME the _____ day of _____, 2019.
 READ A THIRD TIME the _____ day of _____, 2019.
 RECONSIDERED AND ADOPTED the _____ day of _____, 2019.

 Mayor _____ Township Clerk