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May 7, 2015

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Central Coast Regional District

Darla Blake
Chief Administrative Officer
Regional District of Central Coast
PO Box 186
Bella Coola BC V0T 1C0

Dear Darla Blake,

Re: Regulatory Amendments Affecting the Production of Medical Marijuana on Agriculture Land Reserve

As you may already be aware, on May 7, 2015, the Province announced two items relating to the Agricultural Land Reserve (ALR):

The first item is an amendment of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (171/2002) under the *Agricultural Land Commission Act*, (the Regulation). The Regulation now explicitly identifies medical marijuana as a farm use in the ALR which local governments can regulate, but not prohibit.

The second item is a new BC Minister's Bylaw Standard for medical marijuana production facilities (MMPF) located in the ALR and licensed by Health Canada under its Marijuana for Medical Purposes Regulations. Bylaw Standards approved by the Minister and their specific criteria are a part of the Ministry's 'Guide for Bylaw Development in Farming Areas' which can be found on the Ministry's website at www.gov.bc.ca/agri. A discussion paper that provides further information and a description of the consultation process is also available on the website.

These two items are consistent with the Agricultural Land Commission's (ALC) January 2014 Medical Marijuana Production the Agricultural Land Reserve Information Bulletin³⁷ which states that the farming of medical marijuana in the ALR is considered by the ALC as a 'farm use', and the June 24, 2014 Provincial announcement³⁸ which advises that local governments should not prohibit medical marijuana production in the ALR and that for tax purposes, the BC Assessment Authority will not provide a MMPF with farm classification.

Some local government bylaw provisions for MMPFs may be inconsistent with the updated ALC Regulation and/or Minister's Bylaw Standard criteria regarding MMPFs in the ALR. To determine whether or not they are consistent, the Province's expectation is that local governments will review, and as necessary, amend their bylaws in order to achieve consistency by early fall of this year. I acknowledge

³⁷<http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=28F687FC8AB640CFB33D46FB3F1B30EC>

³⁸<http://www.newsroom.gov.bc.ca/2014/06/bc-preserves-local-governments-tax-revenues-from-medical-marijuana-growers.html>

Ministry of Agriculture Office of the Deputy Minister

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JUN 11 2015
Meeting
Board Meeting
JUN 11 2015
CCRD ITEM F(a)

the resources required to amend local government bylaws but I would appreciate your participation in this endeavor.

For those local governments that do not intend to make amendments to inconsistent bylaw provisions, or who are considering implementing a bylaw prohibiting medical marijuana, I would advise that they seek legal counsel, as enacting such a bylaw may give rise to a constitutional challenge as frustrating a lawful initiative of the federal government and such a bylaw may have no force and effect under section 46(4) of the *Agricultural Land Commission Act*.

Please contact your local Regional Agriologist, or contact the following number if you have any other questions on this topic or other Planning for Agriculture matters.

South Coast and Vancouver Island:

- Agri.South.Coast@gov.bc.ca
- 1-888-221-7141

Regards,



Derek Sturko
Deputy Minister