

		POLICY AND PROCEDURE MANUAL	
Category: Land Use	Number: C-LAN.59	MEDICAL MARIHUANA GROW OPERATION SITING REQUIREMENTS	
Type:	Authority:	Approved By:	
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure	<input checked="" type="checkbox"/> Council <input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Council <input type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Department Head	
Office of Primary Responsibility: DEVELOPMENT SERVICES			
Date Adopted: September 23, 2013	Council Resolution No: RC13/577	Date to be Reviewed: September 2014	
Manner Issued: Internet, Pipeline			

BACKGROUND:

In 2001, Health Canada introduced a program which allowed those individuals with a demonstrated medical need to cultivate and possess marihuana for medical purposes - Marihuana Medical Access Regulation Program (MMAR). The MMAR program “has grown exponentially, from under 500 authorized persons to over 30,000 today. This rapid increase has had unintended consequences for public health, safety and security as a result of allowing individuals to produce marihuana in their homes.” (Health Canada, June 2013).

Accordingly, Health Canada released the new Marihuana for Medical Purposes Regulations (MMPR) in December 2012 for public review and comment. The new regulations have subsequently been adopted on June 6, 2013 and published on June 19, 2013. The newly adopted MMPR change the way Canadians are able to access marihuana for medical purposes by eliminating the production of marihuana in homes as is allowed under the current MMAR, which will be repealed on March 31, 2014.

The newly adopted MMPR allows a transition period during which new operators are able to establish their operation prior to the March 31, 2014 deadline after which all existing licences issued under the MMAR will no longer be valid. As existing MMAR licences expire, any person continuing to operate a medical grow operation will be an illegal activity and subject to criminal charges; no existing operation may be deemed as ‘legally non-conforming’ as the use will simply be illegal and criminal. The District of Mission will be considering applications for Medical Marihuana Grow Operations on a case by case basis and only when certain criteria can be met.

PURPOSE:

This purpose of this policy is to provide the District and Council with general guidelines to assist in consideration of applications to rezone a property in order to accommodate a Medical Marihuana Grow Operation licenced under the MMPR.

POLICY:

OFFICIAL COMMUNITY PLAN DESIGNATIONS

Medical Marijuana Grow Operations are often associated with odorous or unpleasant emissions, noise and require a large amount of indoor space for growing, cultivating, drying, packaging and distributing the marihuana for medical purposes. Additionally, requirements to provide a secure environment for not only the producers, but for neighbouring properties necessitate the need for additional siting conditions. As such, the location of licenced Medical Marihuana Grow Operations licenced by the MMPR may be considered by Council on a case-by-case basis on lands within the District of Mission that are either **Industrial** or **Agricultural Land Reserve** designations within the Official Community Plan. Additional considerations are listed below.

AREA REGULATIONS

In consideration of neighbouring properties, specific regulations regarding siting, building setbacks and screening will need to be addressed.

GENERAL SITING CONDITIONS

No Medical Marihuana Grow Operation shall be sited within 150 metres (492 ft.) of a Public Park, School (public or private), Child Care Centre, a commercial use, or a residential use.

AGRICULTURAL LAND RESERVE

1. For properties located within the Agricultural Land Reserve, a minimum lot size of 8 ha (19 ac.) is required to establish a Medical Marijuana Grow Operation.
2. Buildings must be sited a minimum of 30 metres from all property lines. All uses associated with the Medical Marihuana Grow Operation must take place entirely within a building.
3. Servicing of the property shall be in accordance with all applicable regulations and permitting; on-site servicing may permitted.
4. A 3-metre landscape berm and buffer must be provided on-site for all adjacent non-ALR or Industrial land use designations.

INDUSTRIAL

1. For properties located on lands designated Industrial within the Official Community Plan, the minimum lot size for a Medical Marihuana Grow Operation shall be a minimum lot size of 4.0 ha (9.8 ac.).
2. Buildings must be sited a minimum of 7.5 metres from all property lines and, where the property is adjacent to a residential use, buildings must be sited a minimum of 30 metres from the property line.
3. All uses must take place entirely within a building.
4. A Medical Marijuana Grow Operation shall be a mutually exclusive use to the property; no other use shall be permitted on a property where a Medical Marijuana Grow Operation is sited.
5. Servicing of the property shall be in accordance with all applicable regulations and permitting; on-site servicing may permitted.
6. A 3-metre landscape berm and buffer must be provided on-site for all adjacent non- ALR or Industrial land use designations.

COMMUNITY BENEFIT CRITERIA

Applicants must provide Council with a community benefit analysis. Such an analysis must, at a minimum, address the following:

1. Projected tax implications assuming farm status is granted for the property;
2. Projected Full Time Equivalent (FTE) jobs provided;
3. Where contractors will be obtained from ie: Mission?
4. Projected average salaries of each FTE;
5. Prove, that in accordance to Council resolution No. RC13/515, that the proposal “benefits the District of Mission taxpayer”.

CONSIDERATIONS IN DEVELOPING THE CD ZONE

When an application is made to rezone a property to a Comprehensive Development zone, the following considerations may be requested as part of the application:

1. Fire Safety Plan will be required for all new and existing buildings planned to be used in the operation; buildings may be required to be sprinklered;
2. Waste Management Plan that identifies how all waste (solid and liquid) will be dealt with;
3. Hydrology report identifying quantity and quality of water required for the proposed operation;
4. Traffic Management Plan and/or Traffic Impact Analysis identifying on-site truck movements and traffic generation analysis;
5. Odour/Ventilation Plan to mitigate noxious odours being released into the atmosphere that may cause discomfort for neighbouring properties;
6. Lighting Analysis that shows any and all proposed security lighting does not injuriously affect neighbouring properties; and
7. Crime Prevention Through Environmental Design (CPTED) analysis.

BUILDING INSPECTION/BUSINESS LICENCE

All buildings shall be considered as an Industrial building and shall be subject to regular fire inspections as performed by the Fire Department from time to time.

All businesses shall be subject to acquiring a District of Mission Business Licence in accordance with Business Licence Bylaw 3964-2007.

***** END OF POLICY *****

RECORD OF AMENDMENTS/REVIEW

<u>Policy #</u>	<u>Date Adopted</u>	<u>Date Reviewed</u>	<u>Amended (Y/N)</u>	<u>Date Reissued</u>	<u>Authority (Resolution #)</u>