

POLICY P-23

FARM BUILDING EXEMPTION

PURPOSE AND INTENT;

The purpose of this Policy is to provide guidance for staff, elected officials and property owners regarding the building permit exemption for farm buildings in *Building Bylaw No. 660* (“**Columbia Shuswap Regional District Building Bylaw**”).

DEFINITIONS

The Building Bylaw defines a farm building as:

farm building means a *building* or part thereof that that does not contain a residential *occupancy* and is:

- (a) located on land classified as farm pursuant to the *Assessment Act*, and
- (b) used for equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feed but does not include a *building* that is used in whole or in part for a *cannabis operation*.

Building Bylaw defines “*cannabis*” as meaning “cannabis as defined in the *Controlled Drugs and Substance Act* or *Cannabis Act* and includes any products containing cannabis” and a *cannabis operation* as “the cultivating, growing, producing, packaging, storing, distributing, dispensing, advertising, trading or selling of *cannabis* or its derivatives”.

Section 3.8 of the Building Bylaw states:

Limited Application to Farm Buildings

3.8 A *permit* is not required for a *farm building*. An *owner* is responsible for ensuring the design, construction, siting, and use of the *farm building* comply with all applicable bylaws, enactments and regulations, including the *building code*.

PROCEDURE

1. To qualify for the exemption under s. 3.8 of the Building Bylaw, a farm building:
 - a. cannot contain a residential *occupancy*;
 - b. must be located on land classed as “farm” under the *Assessment Act*;
 - c. must be used for equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feed; and
 - d. cannot be used (in whole or in part) for a *cannabis operation* or residential *occupancy*.
2. Section 3.8 is a narrow exemption that only applies to permit requirements under the Building Bylaw. A permit is not required for the construction or alteration of buildings that meet the definition of a farm building in the Building Bylaw.
3. An owner who does not apply for a building permit for the construction or alteration of a farm building is responsible for ensuring the design, construction, siting, and use of the farm building comply with the *Building Code* and all applicable enactments, including CSRD bylaws.
4. CSRD may take bylaw enforcement measures against any person who breaches the Building Bylaw, CSRD’s zoning regulations, or any other CSRD bylaw.
5. Regardless of s. 3.8 of the Building Bylaw, an owner may choose to apply for a building permit for a farm building. If an owner chooses to apply for a building permit by filing an application for a building permit for a farm building, the owner waives their right to the exemption under s. 3.8 and must comply with all applicable provisions of the Building Bylaw that would have applied to the development but for s. 3.8.
6. An owner must obtain all applicable permits before changing the use or occupancy of a farm building, regardless of whether the owner obtained a building permit for the farm building’s initial construction (Building Bylaw s. 7.1(g)).
7. If an owner (or their agent) inquires with the CSRD regarding whether a development meets the definition of a “farm building”, CSRD staff may request any of the following information:
 - a. description of the development;
 - b. description of the proposed use of the building;
 - c. a copy of a title search for the property made within 30 days of the date of the inquiry;
 - d. proof of the property’s “farm” classification under the *Assessment Act*.
8. If an owner (or their agent) inquires with the CSRD regarding whether a farm building complies with CSRD’s zoning regulations, CSRD staff may request a site plan, drawn to scale, showing:
 - a. front yard setbacks (from proposed building to property line);
 - b. rear yard setbacks (from proposed building to property line);

- c. side (interior and exterior) yard setbacks (from proposed building to property lines);
 - d. all buildings on the property and their distances to the proposed building; and
 - e. the dimensions of all buildings on the property, including the proposed building.
9. CSRD is not obligated to verify whether the information provided by an owner (or their agent) is accurate or complete.
10. An owner who requests information from CSRD regarding whether a proposed structure qualifies as a farm building or complies with CSRD's zoning regulations remains responsible for ensuring all buildings and structures are built in compliance with the *Building Code*. CSRD will not review plans or other construction documents for compliance with the *Building Code* unless the owner applies for a building permit.
11. By requesting information from CSRD, an owner is not relieved from their responsibility to ensure buildings and structures are built in compliance with all applicable enactments, including CSRD bylaws and the *Building Code*.
12. Any response to an inquiry regarding the farm building exemption or CSRD's zoning regulations provided by CSRD staff is for information only and does not amount to a warranty, representation or assurance that an owner is in compliance with all applicable enactments, including CSRD bylaws and the *Building Code*.

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