



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JANUARY 21, 2014**

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**SUBJECT**      **ZONING AMENDMENT APPLICATION FOR STRATA LOT 14, SECTION 16, OTTER DISTRICT, PLAN VIS7096**

**ISSUE**

The applicant is proposing to rezone the subject property to permit a licensed medical marihuana production facility pursuant to Health Canada's *Marihuana for Medical Purposes Regulation*.

**BACKGROUND**

Specialty Medijuana Products Ltd. has applied to rezone 6-7450 Butler Road within the Sooke Business Park in Otter Point (Appendix 1). The property is zoned General Industrial (M-2) in the Juan de Fuca Land Use Bylaw No. 2040 and is adjacent to other M-2 parcels to the north, west and south and the Juan de Fuca Public Service Building (P-4) to the east. The existing industrial warehouse building would be modified for a medical marihuana production facility licensed by Health Canada (Appendix 2). The building would include areas for cultivating, processing, storing, shipping and office space.

The existing M-2 zone does not permit the cultivation of medical marihuana and associated processing, storage, shipping and office space; therefore staff have prepared Bylaw No. 3923 which would rezone the subject parcel from M-2 to a new General Industrial Medical Marihuana M-2MM Zone (Appendix 3). Should rezoning be supported, a Commercial and Industrial Development Permit may be required.

**ALTERNATIVES**

1. Proceed with referral of the proposed Bylaw No. 3923, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 119, 2014" to the Otter Point Advisory Planning Commission and agencies for comment.
2. Deny the application and do not proceed with referral.
3. Refer the application back to staff for more information.

**LEGISLATIVE IMPLICATIONS**

Pursuant to Section 879 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Pursuant to Section 881 of the *LGA*, a proposed amendment to a zoning bylaw must be referred to the school district. Where an amendment or new land use and subdivision bylaw will apply to land within 800 m of a controlled access highway, the bylaw must be referred to the Ministry of Transportation and Infrastructure.

**PUBLIC CONSULTATION IMPLICATIONS**

The Advisory Planning Commissions were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 26 of the *LGA*, therefore, the proposal should be referred to the Otter Point Advisory Planning Commission.

Should the proposal proceed, a public hearing pursuant to Section 890 of the *LGA* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendments and it will be advertised in the local paper and on the website.

**PLANNING ANALYSIS**

The applicant has applied for a license to produce medical marihuana from Health Canada under the *Marihuana for Medical Purposes Regulation* (the Regulation) on a General Industrial (M-2) zoned parcel

in Otter Point. As Health Canada requires that licensed facilities comply with local government land use regulations, the applicants are requesting a rezoning.

The Land Use Committee (LUC) considered the issue of Medical Marihuana at their meeting of November 19, 2013 and directed staff to prepare zoning bylaw amendments to regulate the use. The proposed bylaw amendments are being considered by LUC on January 21, 2014. Should the bylaw amendments proceed as proposed, definitions for Intensive Agriculture - Medical Marihuana Production and Medical Marihuana Licensed Producer would be established and the use permitted on Agricultural (AG) zoned land within the Agricultural Land Reserve (ALR). All other proposed facilities would be required to rezone on a site-specific basis.

Health Canada's Regulations require license-holders to abide by strict security and quality control measures. There are no anticipated risks, odour, or security concerns related to the proposed use. As the proposed medical marihuana production use is compatible with the general industrial and public facility uses on adjacent parcels in the Sooke Business Park, the proposed use should not create a significant impact on adjacent properties. Staff drafted Bylaw No. 3923 which proposes a new General Industrial Medical Marihuana (M-2MM) zone that includes all the uses of the M-2 zone and permits Intensive Agriculture – Medical Marihuana Production on the subject parcel. Staff recommend referring the proposed bylaw to the Otter Point Advisory Planning Commission and agencies for comment.

### **CONCLUSION**

Specialty Medijuana Products Ltd. is proposing to rezone the subject property for a medical marihuana production facility licensed by Health Canada under the *Marihuana for Medical Purposes Regulation*. The existing industrial warehouse would be modified to include cultivation, processing, research, storage, shipping and office uses. Staff recommends referring the proposed bylaw to the Otter Point Advisory Planning Commission, and other agencies for comment.

### **RECOMMENDATION**

That the Juan de Fuca Land Use Committee recommend to the CRD Board:

1. That the January 21, 2014 staff report and proposed Bylaw No. 3923 for Strata Lot 14, Section 16, Otter District, Plan VIS7096, be referred to the Otter Point Advisory Planning Commission and the following agencies for comment:

BC Hydro  
District of Sooke  
Island Health  
Otter Point Fire Department

RCMP  
Sooke School District #62  
T'Sou-ke First Nation  
Ministry of Transportation and Infrastructure

**\*\*ORIGINAL SIGNED\*\***

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Emma Taylor, MA  
Planner

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June Klassen, MCIP, RPP  
Manager, Local Area Planning

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Maurice Rachwalski, PhD  
Acting General Manager, Planning & Protective Services  
Concurrence

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Robert Lapham, MCIP, RPP  
Chief Administrative Officer  
Concurrence

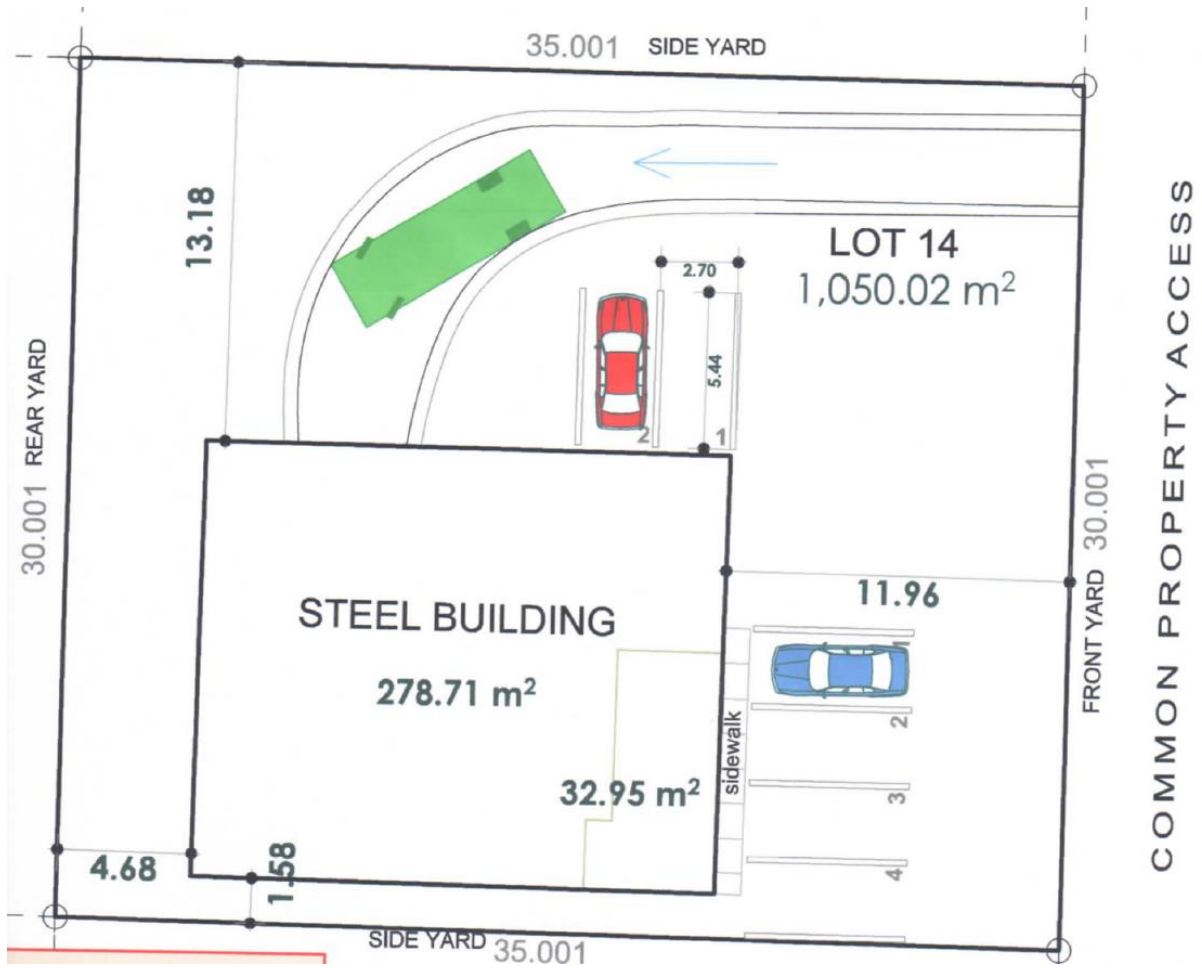
Appendices:

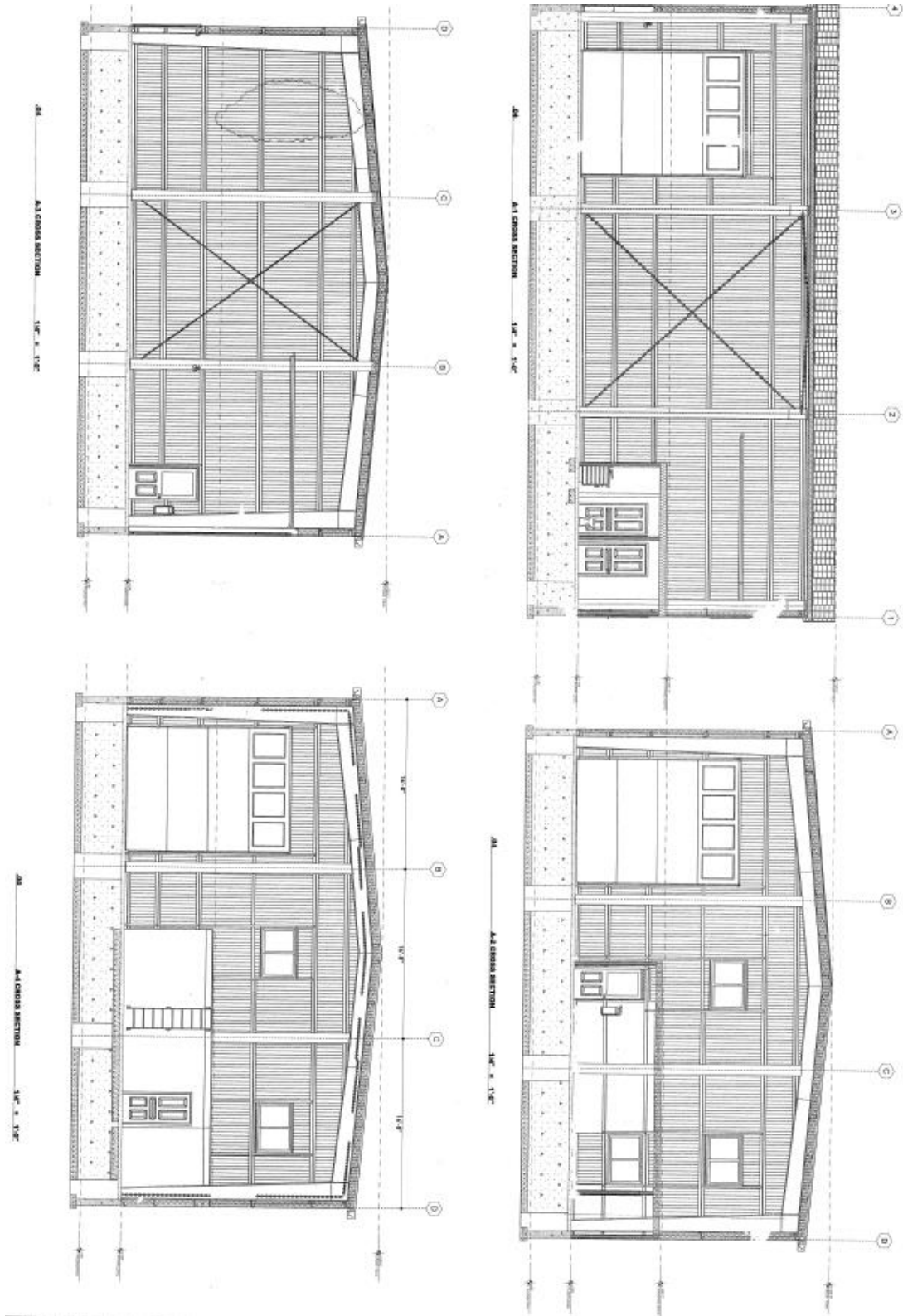
1. Location
2. Site and Building Plan
3. Proposed Bylaw No. 3923

Appendix 1: Location



Appendix 2: Site and Building Plan





Appendix 3: Proposed Bylaw No. 3923

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3923

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A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"  
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The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended:
  - (a) Part 1, TABLE OF CONTENTS, PART 2 – ZONING DISTRICTS add the following:
    - i. By adding "27A.0 M-2MM General Industrial Medical Marihuana" after "M-2 General Industrial"
  - (b) Part 1, 3.0 ADMINISTRATION AND ENFORCEMENT, Section 3.07 ZONES
    - i. By adding "General Industrial Medical Marihuana – M-2MM" to the list of zones after "General Industrial – M-2"
  - (c) Part 2 – ZONING DISTRICTS
    - i. By creating a new zone, General Industrial Medical Marihuana Zone – M-2MM, to be inserted after Section 27.0, and to read as follows:

**"27A.0 GENERAL INDUSTRIAL MEDICAL MARIHUANA M-2MM**

**27A.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this bylaw, the following uses and no others are permitted in the General Industrial Medical Marihuana M-2MM Zone:

- (a) General Industrial Uses excluding:
  - (i) Uses for which a permit is required under the *Environmental Management Act* or Regulation;
  - (ii) Refuse and garbage dumps;
  - (iii) The burning of vehicles and other salvage;
- (b) Offices accessory to the principal use;
- (c) Drive-in theatres;
- (d) Vehicle Sales/rentals;
- (e) Equipment Sales/rentals;
- (f) Bulk fuel sales;
- (g) Auction rooms and places;
- (h) Retail sales of lumber and/or building supplies;
- (i) Gravel processing;
- (j) One dwelling unit for the use of a caretaker;
- (k) Unenclosed storage;
- (l) Intensive Agriculture - Medical Marihuana Production.

**27A.02 Minimum Lot Size for Subdivision Purposes**      The minimum lot size shall be 900 m<sup>2</sup>.

**27A.03 Minimum frontage for Subdivision Purposes**      The minimum lot frontage shall be 16 m.

**27A.04 Minimum Lot Width for Subdivision Purposes**      The minimum average lot width shall be 16 m.

- 27A.05 Number of Dwelling Units One dwelling unit per lot is permitted.
- 27A.06 Height (a) Maximum height shall be 14 m for all buildings and structures;  
(b) Maximum height of any unenclosed storage use shall be 3.5 m within 30 m of a Residential Zone, Multiple Family Residential Zone, Commercial Zone, Rural Zone, Agricultural Zone or Institutional Zone.
- 27A.07 Lot Coverage Maximum lot coverage shall be 60 percent.
- 27A.08 Required Yards (a) Front yards shall be a minimum of 7.5 m;  
(b) Side yards shall be a minimum of 4.5 m, except:  
(i) when the lot abuts a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 1.5 m;  
(ii) when the lot abuts an Industrial Zone, the side yard may be zero;  
(iii) when the lot abuts any other Zone, the side yard shall be a minimum of 3 m;  
(c) Flanking yards shall be a minimum of 6 m CTS;  
(d) Rear yards shall be a minimum of 7.5 m, except:  
(i) where a rear lot line abuts a Residential, Rural Residential, or Multiple Family Residential Zone the rear yard shall be a minimum of 15 m;  
(ii) where a rear lot line abuts an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.
- 27A.09 Storage Storage shall not be permitted in required yards adjacent to any Residential or Multiple Family Residential Zone."
- (d) Part 4 – SIGNS
- i. By amending Section 1.12 SIGN AREAS subsection (c) by adding "GENERAL INDUSTRIAL MEDICAL MARIHUANA" after "GENERAL INDUSTRIAL".
- (e) Schedule B ZONING MAPS
- i. By amending Map 2: Otter Point Zoning to incorporate the amendment as shown on Plan No. 1 attached to and forming part of this bylaw.
- (f) By deleting from the General Industrial (M-2) zone, and adding to the General Industrial Medical Marihuana (M-2MM) zone, for the purpose of permitting a medical marihuana production facility licensed by Health Canada on Strata Lot 14, Section 16, Otter District, Plan VIS7096, as shown on Plan No. 1, attached to and forming part of this bylaw.





Plan No. 1

