



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, APRIL 15, 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 from General Industrial (M-2) to General Industrial Medical Marihuana (M-2MM) 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 to permit a licensed medical marihuana production facility (Appendix 1). The property is currently 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 across from 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. The building would include areas for cultivating, processing, storing, shipping and office space.

The Land Use Committee (LUC) first considered this proposal at their meeting of January 21, 2014. At its meeting of February 12, 2014, the Regional Board considered the LUC recommendation and directed staff to refer the proposed bylaw to the Otter Point Advisory Planning Commission (APC) and to the following agencies:

BC Hydro	Otter Point Fire Department
District of Sooke	RCMP
Island Health	Sooke School District #62
Ministry of Transportation and Infrastructure	T'Sou-ke First Nation

Comments were received from Island Health, Ministry of Transportation & Infrastructure, Otter Point Fire Department, BC Hydro and District of Sooke (Appendix 2). The proposed bylaw was considered by the Otter Point APC at a meeting held on March 12, 2014 (Appendix 3).

**ALTERNATIVES**

1. Recommend to the CRD Board that proposed Bylaw 3923, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 119, 2014" to rezone the subject parcel from M-2 to M-2MM proceed for first and second readings and to direct the bylaw to public hearing.
2. Recommend that the CRD Board not approve the proposed amendment to the Juan de Fuca Land Use Bylaw to rezone the property.
3. Request more information be provided by the applicant to clarify agency concerns and recommendations.

**PUBLIC CONSULTATION IMPLICATIONS**

Should the proposal proceed, a public hearing pursuant to Section 890 of the *Local Government Act* 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.

**REFERRAL COMMENTS**

Referrals were forwarded on February 14, 2014 to those agencies specified by the CRD Board. Island Health confirmed that a sewage system and water permit have been completed for this parcel. The Ministry of Transportation & Infrastructure examined the proposal from the viewpoint of commercial access and have no objections to the proposal. Otter Point Fire Department had no concerns; BC Hydro and District of Sooke indicated their interests are unaffected.

The Otter Point APC considered the application at its meeting on March 12, 2014 and passed a resolution supporting the rezoning from General Industrial (M-2) to General Industrial Medical Marihuana (M-2MM).

At the APC meeting, a Commissioner expressed concern that if the property received farm status the local residents would have to compensate for the increased cost of funding local services. The applicant addressed concerns related to waste materials generated from medical marihuana production and confirmed that compost and refuse will be disposed of off-site. In addition, the applicant confirmed that mostly organic products will be utilized and that there is little potential for contaminants to enter the septic disposal system. Planning staff received one piece of correspondence in response to public notification in support of the application, which was included in a supplementary package to the APC members and given consideration at their meeting.

### **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. Health Canada requires that licensed facilities comply with local government land use regulations. Bylaw amendments are currently being considered by the LUC to define Intensive Agriculture – Medical Marihuana and add it as a permitted use in the Agricultural (AG) zone on land within the Agricultural Land Reserve (ALR). All other proposed facilities would be required to rezone on a site-specific basis. As the M-2 zone does not permit the intensive agriculture – medical marihuana use, the applicants are requesting a rezoning to a new General Industrial Medical Marihuana (M-2MM) zone. The proposed M-2MM zone would add intensive agriculture – medical marihuana to the general industrial uses currently permitted. Proposed Bylaw No. 3923 is included in Appendix 3. Staff have included an addition to the proposed bylaw to add “M-2MM to the definition of Industrial Zone” in Bylaw No. 2040.

Referral comments indicate that no changes to the existing access off Butler Road, water or septic permitting would be required. Other agency responses indicated their interests unaffected by the proposal. Health Canada has confirmed that they will conduct site inspections to ensure their requirements are implemented.

Discussion at the Otter Point APC related to the potential eligibility of the operation for farm class, which would significantly reduce the current industrial taxes on the parcel. Although there are economic and aesthetic benefits to having more businesses locate in the area, there could be implications for the funding of public services from a reduced industrial tax-base should the owners apply for farm class status. The CRD does not have the jurisdiction to enforce a covenant prohibiting the owners to apply for farm class; however, the LUC could request an amenity as a condition of the rezoning to compensate for potential impacts to the community.

Considering the referral comments received, staff recommends that the revised bylaws be read a first time and read a second time and forwarded on to public hearing.

### **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 proposal was referred to the Otter Point APC and eight agencies for comment. Generally, comments indicated that agency interests were unaffected and the Otter Point APC supported the application. Therefore, staff recommends that the revised bylaws be forwarded to the CRD Board for first and second reading and on to public hearing.

**RECOMMENDATION**

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That proposed Bylaw No. 3923 for Strata Lot 14, Section 16, Otter District, Plan VIS7096, as included in Appendix 3, be introduced and read a first time and read a second time;
2. That in accordance with the provisions of Section 890 and 891 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or the Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 3923.

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

\_\_\_\_\_  
Emma Taylor, MA  
Planner

\_\_\_\_\_  
June Klassen, MCIP, RPP  
Manager, Local Area Planning

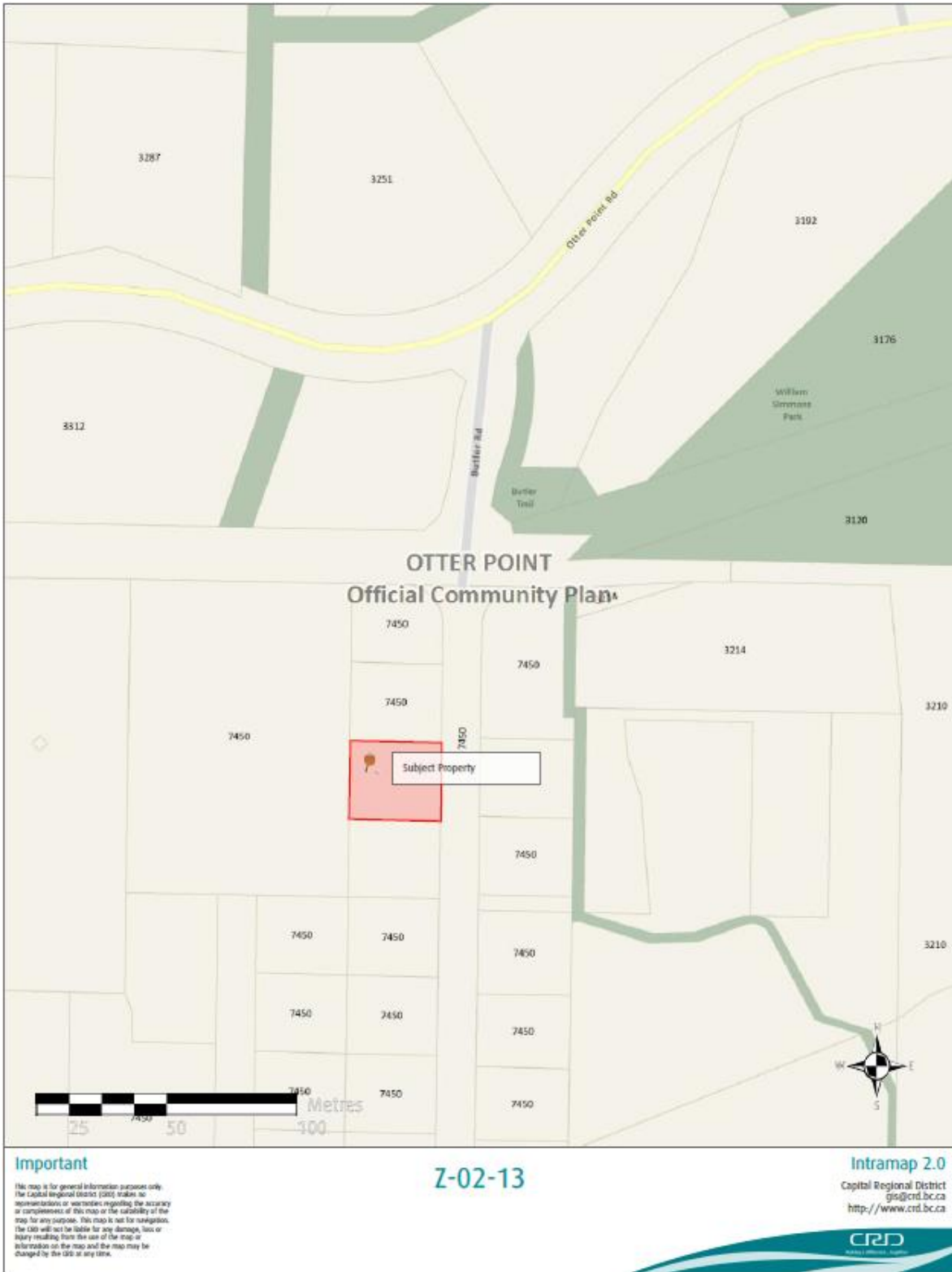
\_\_\_\_\_  
Travis Whiting  
Acting General Manager, Planning & Protective Services  
Concurrence

\_\_\_\_\_  
Robert Lapham, MCIP, RPP  
Chief Administrative Officer  
Concurrence

Appendices:

1. Location
2. Referral Comments
3. Proposed Bylaw No. 3923

Appendix 1: Location





**Wendy Miller**

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**From:** Evanoff, Ryan TRAN:EX <Ryan.Evanoff@gov.bc.ca>  
**Sent:** Tuesday, February 25, 2014 10:51 AM  
**To:** Wendy Miller  
**Subject:** RE: CRD Rezoning Application Z-02-13 - Referral


Wendy,  
Please accept this email as an official response to your rezoning referral outlined below.

The Ministry has no objections to the proposed rezoning and has no additional requirements for approval. The site is located within the Sooke Business Park and does not require a separate access permit, as it will use the currently approved main access to the development from Otter Point/Butler Roads. This referral is only being examined from the viewpoint of commercial access to a Ministry managed road.

If you require any additional documentation please feel free to contact myself directly. The certified bylaw forms can be forwarded to this office for stamp/signature at your convenience.

Thank you,

**RYAN EVANOFF** | DISTRICT DEVELOPMENT TECHNICIAN | BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE | VANCOUVER ISLAND DISTRICT | 240-4460 CHATTERTON WAY, VICTORIA, BC V8X 5J2 |  
T: 250.952.4495 | F: 250.952.4508  
WEBSITE FOR DEVELOPMENT APPROVALS:  
[www.th.gov.bc.ca/Development\\_Approvals/home.htm](http://www.th.gov.bc.ca/Development_Approvals/home.htm) | MINISTRY WEBSITE: <http://tranbc.ca/>

 Please consider the environment before printing this email.

**OTTER POINT VOLUNTEER  
FIRE DEPARTMENT**

Thursday, 7-9 p.m.  
Office Phone 642-6211  
Office Fax 642-2673

3727 Otter Point Road  
Sooke, B. C. V9Z 0K1  
www.otterpointfire.bc.ca

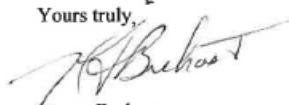
March 11, 2014

Capital Regional District  
#3-7450 Butler Road,  
Sooke, B.C., V9Z 1N1  
Attention: June Klassen, Manager, Local Area Planning

**Re: Rezoning Referral: Z-02-13 – Specialty Medijuana Products Ltd**  
Strata Lot 14 of Section 16, Otter Land District, Plan VIS7096

The Otter Point Fire Department has no concerns with this zoning amendment.

Yours truly,




Kevan Brehart  
Fire Chief

RESPONSE SUMMARY – REZONING APPLICATION Z-02-13

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments: On behalf of BC Hydro, Property Rights Services Department, I  
herewith confirm that BC Hydro interests are unaffected by the proposed  
zoning amendment application for SL 14, Section 16, Otter District, Plan  
VIS7096 to permit a licensed medical marihuana production facility.

  
Signed Riva Brom Property Coordinator, Property Rights Services  
Title  
Date March 13, 2014 British Columbia Hydro and Power Authority  
Agency





2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2

Phone: 250-642-1634 • Fax: 250-642-0541 • Email: info@sooke.ca • Website: www.sooke.ca

File No. 0400-90

March 17, 2014

VIA FACSIMILE 250-642-5274

June Klassen  
Manager of Local Area Planning  
Juan de Fuca Electoral Area Planning  
PO Box 283  
Sooke, BC V9Z 0S9

Dear Ms. Klassen:

**RE: Referral Bylaw No. 3923 - Proposed Bylaw Amendments  
6-7540 Butler Road (Your File No. Z-02-13)**

Please be advised that at the March 10<sup>th</sup> 2014 Regular Council Meeting, the District of Sooke Council resolved as follows:

***"MOVED** and seconded to direct staff to respond to the zoning bylaw amendment referrals by noting that the District of Sooke interests are unaffected by the proposed amendments.*

**CARRIED UNANIMOUSLY"**

We trust that you will find the above to be in order however if you require further information, please do not hesitate to contact me directly at 250-642-1634.

Sincerely,

  
Bonnie Sprinkling  
Corporation Officer

Appendix 3: Proposed Bylaw No. 3923

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3923

\*\*\*\*\*  
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) Schedule A, 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 2, DEFINITIONS
    - i. By adding "M-2MM" to the definition of INDUSTRIAL ZONE.
  - (c) 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"
  - (d) 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 15m;  
(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."
- (e) Part 4 – SIGNS  
i. By amending Section 1.12 SIGN AREAS subsection (c) by adding "GENERAL INDUSTRIAL MEDICAL MARIHUANA" after "GENERAL INDUSTRIAL".
- (f) 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.
- (g) 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

