



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, FEBRUARY 16, 2016**

SUBJECT Zoning Amendment Application for Strata Lots 5, 15, 16, 17, 22 and 25, Section 16, Otter District, Strata Plan VIS7096

ISSUE

The applicant is proposing to rezone six properties from General Industrial (M-2) to General Industrial Medical Marihuana (M-2MM) in order to permit licensed medical marihuana production facilities pursuant to Health Canada’s *Marihuana for Medical Purposes Regulation (MMPR)*.

BACKGROUND

The applicant has applied to rezone six strata properties within the Sooke Business Park development located at 7450 Butler Road in Otter Point in order to permit federally-licensed medical marihuana production facilities (Appendix A). The parcels are zoned General Industrial (M-2) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and are adjacent to other M-2 zoned parcels, one existing M-2MM zoned parcel, the Juan de Fuca Public Service Building (P-4), and a Rural A (A) zoned area, which is the common disposal field. The parcels are designated as Settlement Area One (SA1) and as an Industrial Development Permit Area (DPA) in the Official Community Plan (OCP) for Otter Point, Bylaw No. 3819.

The subject properties were created by subdivision in 2011 as part of a 25-lot bare land strata. The properties share a common property access off of Butler Road and have a common disposal field. Strata lots 5, 16, 17, 22 and 25 are currently vacant and an industrial warehouse on strata lot 15 was constructed in 2014.

While the federal *MMPR* has created conditions for the commercial production and distribution of marihuana for medical purposes, local government land use approval is still required. In accordance with the *MMPR*, the applicant wishes to rezone the six parcels to the M-2MM zone in order to attract medical marihuana production facilities to locate within the Sooke Business Park (Appendix B). New facilities would require Health Canada approval prior to their operation.

ALTERNATIVES

That the Land Use Committee recommends to the CRD Board:

1. That proposed Bylaw No. 4054, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 127, 2016”, as included in Appendix C, be referred to the Otter Point Advisory Planning Commission and the following agencies and departments for comment:

BC Hydro	District of Sooke	RCMP
CRD Building Inspection	Island Health	Sooke SD No. 62
CRD Protective Services	Ministry of Transportation & Infrastructure (MoTI)	T’Sou-ke First Nation

2. That proposed Bylaw No. 4054 not be referred.
3. That more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Should the proposal proceed, a public hearing pursuant to Section 890 of the *Local Government Act (LGA)* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners/tenants 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 CRD website.

PUBLIC CONSULTATION IMPLICATIONS

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee (LUC) 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 APC.

Although the amendment bylaw will not apply to land within 800 m of a controlled access highway, the proposed bylaw will be referred to the Ministry of Transportation and Infrastructure (MoTI) as they own and operate the roads in the electoral area.

PLANNING ANALYSIS

The Settlement Area designation specifies that the predominant land use is rural residential; however, industrial uses on lands zoned industrial or with a valid temporary use permit are also permitted in the Settlement Area designation. The subject properties are currently zoned for general industrial uses and the proposed rezoning to permit medical marihuana production facilities is consistent with the Settlement Area designation.

The Juan de Fuca Land Use Bylaw No. 2040 was amended in 2014 by Bylaw No. 3922 which defined medical marihuana production facilities as an intensive agriculture use that is permitted on lands within the ALR. Bylaw No. 3923, which was also adopted in 2014, established a new General Industrial Medical Marihuana (M-2MM) zone on strata lot 14 in the Sooke Business Park. The M-2MM zone permits Intensive Agriculture – Medical Marihuana Production as well as general industrial uses (Appendix B).

There are no anticipated risks, odour, or security concerns related to the proposed use as the facilities are contained indoors and Health Canada's new regulations require license-holders to abide by strict security and quality control measures. 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. New construction will require an Industrial Development Permit to guide form and character of the structures and require building permits.

Staff recommends Alternative 1, referral of proposed Bylaw No. 4054, to the Otter Point APC, BC Hydro, CRD Building Inspection, CRD Protective Services, District of Sooke, Island Health, Ministry of Transportation & Infrastructure (MoTI), RCMP, Sooke SD No. 62 and T'Sou-ke First Nation.

CONCLUSION

The purpose of this zoning amendment application is to permit medical marihuana production facilities on six strata parcels in the Sooke Business Park on Butler Road in Otter Point. The proposed rezoning would retain the existing permitted uses of the General Industrial (M-2) zone and add the potential for Intensive Agriculture – Medical Marihuana subject to approval from Health Canada under the *MMPR*. Staff recommends referral of the application to the Otter Point APC, and to departments and agencies for comment. Staff will report back to the LUC and the CRD Board after the referral period with comments received.

RECOMMENDATION

That the Land Use Committee recommends to the CRD Board:

That proposed Bylaw No. 4054, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 127, 2016”, as included in Appendix C, be referred to the Otter Point Advisory Planning Commission and the following agencies and departments for comment:

BC Hydro	District of Sooke	RCMP
CRD Building Inspection	Island Health	Sooke SD No. 62
CRD Protective Services	Ministry of Transportation & Infrastructure (MoTI)	T’Sou-ke First Nation

Submitted by:	Emma Taylor, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, Planning Supervisor
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET:wm

Attachments: Appendix A – Location Map
Appendix B – General Industrial – Medical Marihuana (M-2MM) Zone
Appendix C – Proposed Bylaw No. 4054

Appendix B: General Industrial – Medical Marihuana (M-2MM) Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

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

Bylaw 3923

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 m².

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

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

- 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.

Plan No. 1 of Bylaw No. 4054

