

REGIONAL DISTRICT OF NANAIMO

**SPECIAL BOARD MEETING
TUESDAY, FEBRUARY 11, 2014
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

Development Permit with Variance Application No. PL2013-127 – Magnolia Enterprises Ltd. – 6996 Island Highway West, Electoral Area ‘H’ (Electoral Area Directors, except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Permit with Variance Application No. PL2013-127.

That Development Permit with Variance Application No. PL2013-127 to permit the construction of an ambulance station be approved subject to the conditions outlined in Attachments 2 to 7.

ADMINISTRATOR’S REPORTS

3-8 Amendment Bylaws No. 500.387, 2013 & 1285.18, 2013 – Zoning Amendments to Address Marihuana for Medical Purposes Regulations (MMPR) (Electoral Area Directors, Except EA ‘B’ – One Vote).

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

RECESS

That the Board recess and reconvene immediately following the Committee of the Whole meeting for the purpose of moving In Camera.

IN CAMERA

That pursuant to Section 90 (1) (c) of the Community Charter, the Board proceed to an In Camera meeting for discussions related to labour relations.

ADJOURNMENT



RDN REPORT	
CAC APPROVAL ###	
EAP	
COW	
FEB 03 2014	
RHD	
BOARD	✓ Special Board

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: January 30, 2014

FROM: Robert Stover
Planning Technician

FILES: 3900-20-500.387
3900-20-1285.18

SUBJECT: Amendment Bylaws No. 500.387, 2013 & 1285.18, 2013
Zoning Amendment to Address Marihuana for Medical Purposes Regulations (MMPR)
Electoral Areas 'A', 'C', 'E', 'F', 'G', and 'H'

PURPOSE

To consider Amendment Bylaws No. 500.387, 2013, and 1285.18, 2013 for adoption.

BACKGROUND

Amendment Bylaws No. 500.387 and 1285.18 were introduced and given first and second reading on November 26, 2013 (*see Attachment 1*). Following a public hearing held on January 9, 2014, the Bylaws received third reading on January 28, 2014. The Ministry of Transportation and Infrastructure approved the Bylaws on January 30, 2014.

ALTERNATIVES

1. To adopt "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.387, 2013."
2. To not approve "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.387, 2013" and provide alternate direction.
3. To adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.18, 2013."
4. To not approve "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.18, 2013" and provide alternate direction.

SUMMARY

The purpose of Amendment Bylaws No. 500.387, 2013 and 1285.18, 2013 is to amend the existing zoning bylaws to provide for medical marihuana production in facilities licensed under MMPR on lands zoned for agriculture within the ALR for Bylaw 500.387, and on lands zoned A-1 and I-2 for Bylaw 1285.18. The Amendment Bylaws were introduced and given first and second reading on November 26, 2013, and proceeded to a public hearing on January 9, 2014. The Bylaws were given third

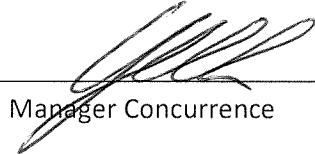
reading on January 28, 2014, and were approved by the Ministry of Transportation and Infrastructure on January 30, 2014.

RECOMMENDATIONS

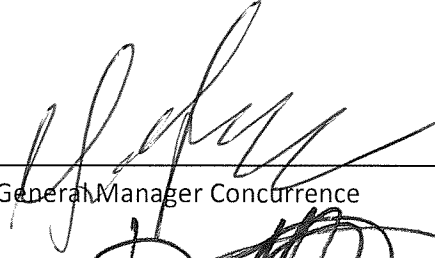
1. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.387, 2013" be adopted.
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.18, 2013" be adopted.



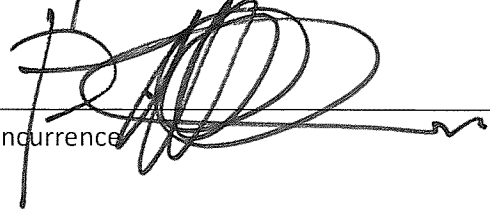
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

**Attachment 1
Amendment Bylaws**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.387**

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.387, 2013”.

B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

1. Under **PART 2, INTERPRETATION, DEFINITIONS** by inserting the following into the sixth line of the first paragraph of the definition of “agriculture” after “but excludes animal care”:

“, medical marihuana production except on lands located within the agricultural land reserve,”

2. By adding the following definition after the definition of “medical health officer”:

“**medical marihuana production** means the cultivation and production of medical marihuana wholly within a facility as permitted under the *Marihuana for Medical Purposes Regulations (MMPR)*, and any subsequent regulations or acts which may be enacted henceforth.”

3. Under **PART 3, LAND USE REGULATIONS, SECTION 3.3 GENERAL REGULATIONS** by adding the following new text to Section 3.3.12 b) xxviii):

“xxix) medical marihuana production.”

4. Under **PART 3, LAND USE REGULATIONS, SECTION 3.3 GENERAL REGULATIONS** by adding the following new text to Section 3.3.14:

“14) Farm Use Regulations

On lands located within the Agricultural Land Reserve the following activities are permitted farm uses in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and are subject to the following regulations:

c) Medical Marihuana Production

Medical Marihuana Production is permitted on land located within the Agricultural Land Reserve if:

- i) The production of medical marihuana is contained wholly within licensed facilities as permitted by the ***Marihuana for Medical Purposes Regulations*** (MMPR).
- ii) The minimum setback for all structures associated with medical marihuana production is 30.0 metres from all property lines. “

Introduced and read two times this 26th day of November 2013.

Public Hearing held this 9th day of January 2014.

Read a third time this 28th day of January 2014.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this 30th day of January 2014.

Adopted this ___ day of _____ 20__.

Chairperson

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.18**

**A Bylaw to Amend Regional District of Nanaimo
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.18, 2013".
- B. The "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:

1. Under **SECTION 2, GENERAL REGULATIONS, 2.4 Prohibited Uses** by adding the following text after Section 2.4 s):

"t) medical marihuana production."

2. Under **SECTION 2, GENERAL REGULATIONS, 2.9 Setbacks** by adding the following text after Section 2.9 c):

"d) All buildings and structures used for medical marihuana production on lands within the A-1 zone shall be setback a minimum of 30.0 metres from all lot lines."

3. Under **SECTION 2, GENERAL REGULATIONS, 2.15 Home Based Business – Regulations** by adding the following text after Section 5 p):

"q) medical marihuana production."

4. Under **SECTION 4, ESTABLISHMENT OF ZONES, 4.1 A-1 – Agriculture 1** by adding the following text after Section 4.1.1 b) Farm Use:

"c) Medical Marihuana Production"

5. Under **SECTION 4, ESTABLISHMENT OF ZONES, 4.1 A-1 – Agriculture 1** by inserting the following into Section 4.1.3 Regulation Table after "g) Minimum Setback of all buildings or structures":

"used for medical marihuana production"

6. Under **Section 4, ESTABLISHMENT OF ZONES, 4.8 I-2 – Industrial 2** by inserting the following text after Section 4.8.1 o) Mini-storage:

"p) Medical Marihuana Production"

7. Under **SECTION 5, DEFINITIONS** by inserting the following text at the end of the definition of "farm use":

“and excludes medical marihuana production;”

8. Under **SECTION 5, DEFINITIONS** by adding the following definition after the definition of “Marshalling Yard”:

“Medical Marihuana Production means the cultivation and production of medical marihuana wholly within a facility as permitted under the *Marihuana for Medical Purposes Regulations (MMPR)*, and any subsequent regulations or acts which may be enacted henceforth.”

Introduced and read two times this 26th day of November 2013.

Public Hearing held this 9th day of January 2014.

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Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this 30th day of January 2014.

Adopted this ___ day of _____ 20__.

Chairperson

Corporate Officer