
In June 2013, Health Canada enacted the Marihuana for Medical Purposes Regulations (MMPR), legislation that changed the way medical marihuana is grown and distributed. This was in response to problems that arose from the previous legislation allowing the home production of medical marihuana. Under the new MMPR legislation medical marihuana producers must declare themselves to local authorities and local governments. Most importantly, medical marihuana production is now prohibited from occurring in a dwelling place. As MMPR legislation is federal, all Canadian municipalities must allow medical marihuana production facilities or be prepared to prove that residents still have reasonable access to medical marihuana. This research was aimed at determining how best to incorporate a medical marihuana land use into the zoning bylaw of the District of West Kelowna, British Columbia. Three questions are posed:

1. In which zone, if any, is the production of medical marihuana most appropriate?;
2. If an existing zone is not appropriate, what would a new zone for the production of medical marihuana include?; and,
3. Within the District of West Kelowna, which areas would be most appropriate to be included in this new medical marihuana zone?.

Medical marihuana production facilities require two major inputs: water and electricity. Both are for the propagation and growth of the marihuana. Waste products include the dried cannabis flower, which is the intended product, along with the decomposing marihuana plant and wastewater. The use has several accessory activities such as testing, storage, and packaging, however, these uses require minimal space and do not produce any negative externalities. The production of medical marihuana does produce two major negative externalities. One is odour

pollution, which is required by MMPR to be mitigated through air filtration systems. Another is the attraction of criminal activity due to the high cash value of the medical marijuana crop.

These facilities are typically large, approximately 10,000 m² with considerable variation. Setbacks should be a minimum 30.0 m on all sides to mitigate negative externalities, assuming proper air filtration can mitigate odour. On-site parking is required for employees, however, a facility that is 10,000 m² would require only approximately 50 spaces. The facility requires only one loading bay for the loading and unloading of inputs and outputs.

This new land use has several compatible adjacent activities and land uses. Examples include light industrial uses such as warehouses, processing facilities, light manufacturing, wholesale distribution, and some office parks. They have similar built form and will not be seriously affected by medical marijuana production. Incompatible adjacent activities and land uses do not have similar built form to medical marijuana facilities and have the potential to be affected by their negative externalities. Examples include residential zones and commercial zones, particularly in central business districts.

Zoning Bylaw No. 0154 has 41 zones, nine of which have purposes consistent with the production of medical marijuana, permit its use, and meet the stipulations set forth by the MMPR legislation. These nine ties. medicap

Chart 1-Comparative Zoning of the DWK. This chart shows all zones in the DWK. It shows whether medical marihuana production meets the purpose of the zone, it is a permitted use, and if the zone meets MMPR legislation.

**Zoning Bylaw No.
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The C4Service Commercial zone is not appropriate because of its generally small size (minimum parcel size of 500²), the risk of impacting neighbouring businesses with negative externalities, and the fact that uses in this zone typically have customers arriving onsite to conduct business, while medical marihuana facilities must ship their product to their customers.

The two industrial zones, I1Light Industrial and I6Rural Industrial, are both appropriate. The land use is consistent with the built form of these zones, while negative externalities are mitigated due to the similar uses occurring in the zone. Finally, the I1Light Industrial zone is often serviced with the required utilities, however, that may not be the case for the I6Rural Industrial zone.

District Council can choose to amend the existing zones within Zoning Bylaw No. 0154 or they can introduce a new specialized zone for medical marihuana. Such a zone would require a

Government, used solely for the production, manufacturing, processing, testing, packaging, and shipping of marihuana and marihuana products for medical purposes as authorized under the Controlled Drugs and Substances Act (CDSA). Medical marihuana is currently permitted under the use of open-air, general and greenhouse

Planning for medical marijuana production would benefit from future research that focusses on including more case studies and the development of best practices to offer a standard for the incorporation of this land use into a zoning bylaw.