



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: May 13, 2021

SUBJECT: Extension Request for Application File No. Z20/04
Zoning Amendment Bylaw No. 871-262
D. Leask & S. Macdonald (owners) c/o D. Leask, 4345 Maxwell Road
Central Okanagan West Electoral Area

Voting Entitlement: *Custom Vote - Electoral Areas, Peachland, and West Kelowna – 1 Director, 1 Vote*

Purpose: To consider a request for a one-year extension for an application proposing to amend Zoning Bylaw No. 871.

Executive Summary:

At the regularly scheduled meeting held on May 25th, 2020 the Regional Board adopted the following resolution:

"THAT Zoning Amendment Bylaw No. 871-262 be deferred until such time that specific concerns and requirements of the RDCO Fire Service Manager, RDCO Building Inspector, Ministry of Forests, Lands, Natural Resource Operations and Rural Development District Okanagan Shuswap, and Interior Health Authority are addressed to the satisfaction of each respective RDCO department or agency."

Since this time, the applicant has made some progress towards meeting these requirements however needs more time to address all of the concerns identified by the Board. As such, the applicant has recently requested a one-year extension for Application Z20/04.

RECOMMENDATION:

THAT the Regional Board approve a one-year extension for Application File: Z20/04 to consider a site-specific amendment to Zoning Amendment Bylaw No. 871-262.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Todd Cashin".

Todd Cashin
Director of Community Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

Prepared by: Danika Dudzik, Senior Planner

Implications of Recommendation:

Policy: Approval of the extension complies with Development Applications Procedures Bylaw No.944.

Background:

To date, the amending bylaw has not been considered by the Regional Board. Concerns had previously been identified by RDCO staff including life safety concerns with an existing use associated with the property and general non-compliance of an existing building. Further concerns and were identified by various external agencies including the lack of servicing information and potential non-compliance with the *Water Sustainability Act* or Water Sustainability Regulation to support an existing use.

The Regional Board considered the application on May 25, 2020, and deferred consideration of Zoning Amendment Bylaw No. 871-262 until such time that specific concerns and requirements of the RDCO Fire Service Manager, RDCO Building Inspector, Ministry of Forests, Lands, Natural Resource Operations and Rural Development District Okanagan Shuswap, and Interior Health Authority are addressed to the satisfaction of each respective RDCO department or agency.

It was advised that the applicant work with Regional District staff to address the life safety issues and non-compliance associated with the accessory building (5 bay car garage) prior to moving forward with consideration of the application. Since this time, it is the understanding of Planning staff that the applicant has addressed the previously identified life safety concerns and Inspections Services staff advise the garage is conforming from a building code perspective.

Current Land Use:

The +/- 4.05 ha (10.0 acres) subject property consist of one single detached house and various accessory buildings including a barn/stable, detached one storey garage, detached 5 bay car garage, and horse pen. The applicant indicates current uses at the property include a hobby farm and personal production of cannabis for medical purposes.

Proposal:

Zoning Bylaw No. 871 requires that where permitted, a Cannabis Production Facility be located on a parcel having a minimum area of 8.0 ha (19.8 acres) and that all buildings used for this purpose are setback a minimum 30.0 m (98.4 ft.) from all parcel lines, among others. When proposed facilities are unable to meet these regulations, a site specific amendment application must be submitted for consideration by the Regional Board.

The applicant is requesting a site-specific amendment to the Zoning Bylaw to be eligible to apply to Health Canada to become a licence holder under the *Cannabis Act* and its Regulations to permit micro-cultivation and processing. One of the application requirements is that the applicant comply with all provincial and local government bylaws. Under the Zoning Bylaw, a Cannabis Production Facility is only permitted in the RU2 Rural 2 zone if it complies with Part 3 General Regulations, Section 3.31 - Cannabis Production Facility.

The property is zoned RU2 Rural 2 which allows a Cannabis Production Facility; however, the parcel does not meet the following regulatory requirements for the use:

- minimum lot size of 8.0 ha (19.7 acres), and
- required building setback from the side parcel line of 30.0 m (98.4 ft.).

An existing accessory building (garage) is the site that contains the current personal production of cannabis operation. The applicant intends to use this building for future micro-cultivation and processing. The setback of this building to the side parcel is 3.01 m (9.88 ft.).

Development Applications Procedures Bylaw:

Applications that have not been approved or rejected within twelve (12) months after the application date or last day of consideration by the Regional Board will be of no force and effect. Unless the Regional Board passes a resolution to extend the deadline up to one-year, a new application will be required in order to proceed.

Organizational/Financial Issues:

The extension request was submitted and processed in accordance with requirements of RDCO Development Application Procedures Bylaw No. 944, including payment of the required fee.

Conclusion:

In recognition that the application is set to expire, the applicant has addressed the previously identified life safety concerns, and that the applicant has advised that they are actively working to address specific concerns and requirements of external agencies, Planning staff supports an extension of the application. In the event that the extension request is not approved by the Regional Board, the RDCO application will be closed and the land use will continue as permitted under the RU2 Rural 2 zone and provisions of Bylaw No. 871.

Alternative Recommendation:

THAT the Regional Board not approve a one-year extension for Application File: Z20/04.

Considerations not applicable to this report:

- *Strategic Plan*
- *General*
- *Legal/Statutory Authority*
- *External Implications*

Attachments:

- Schedule 'A' & Orthophoto Maps
- Zoning Bylaw No. 871, Section 3.31
- Request for Extension - April 16, 2021