

# Rezoning Application Z21/03

Regional District of Central Okanagan Board Meeting  
May 31, 2021

---

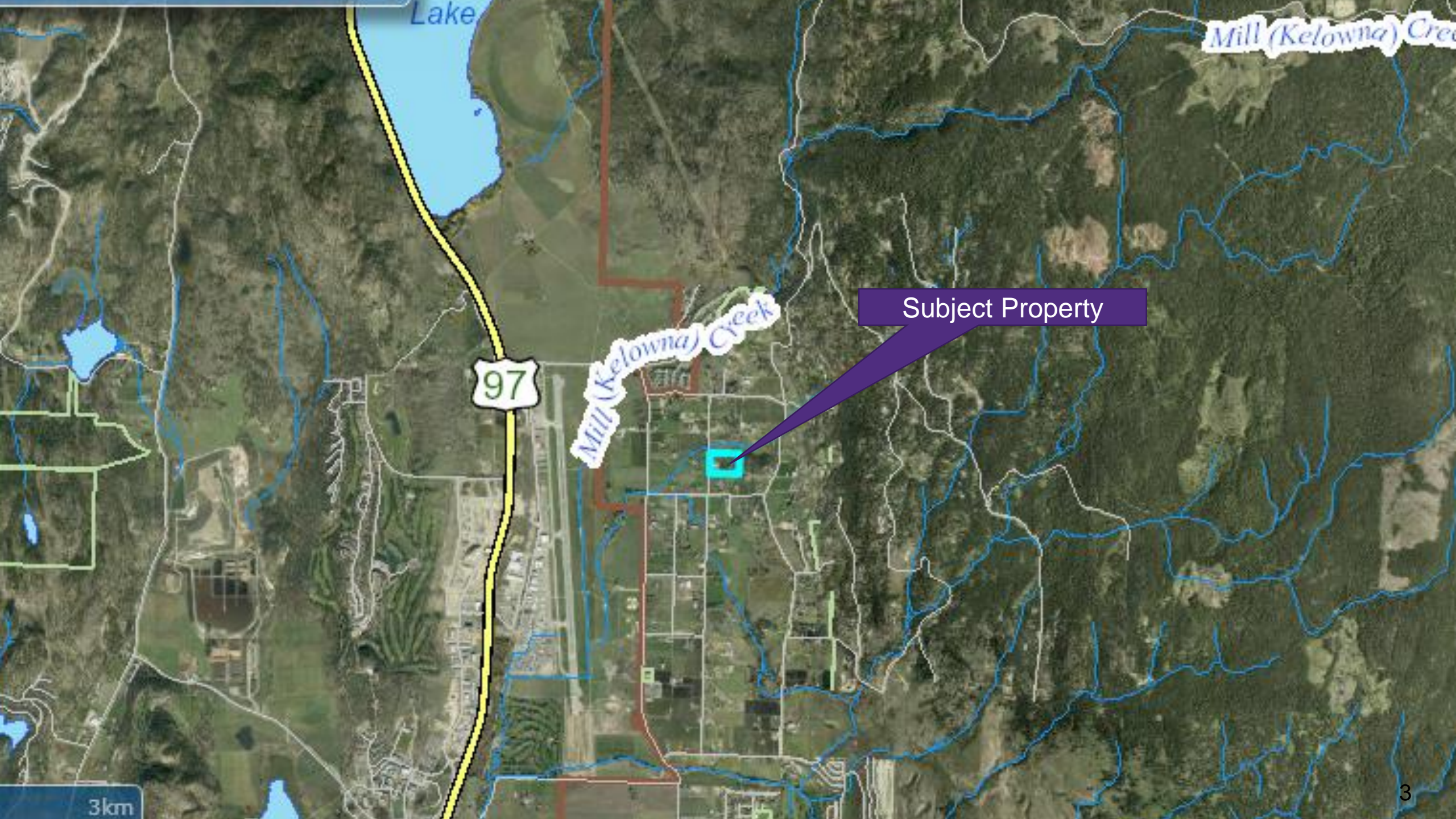
1450 K.L.O. Road  
Kelowna, BC, V1W 3Z4  
[rdco.com](http://rdco.com)



# Purpose

- To consider an amendment to Zoning Bylaw No.871 to permit a cannabis production facility on Lot 59, DL 1, ODYD, Plan 475





Lake

Mill (Kelowna) Creek

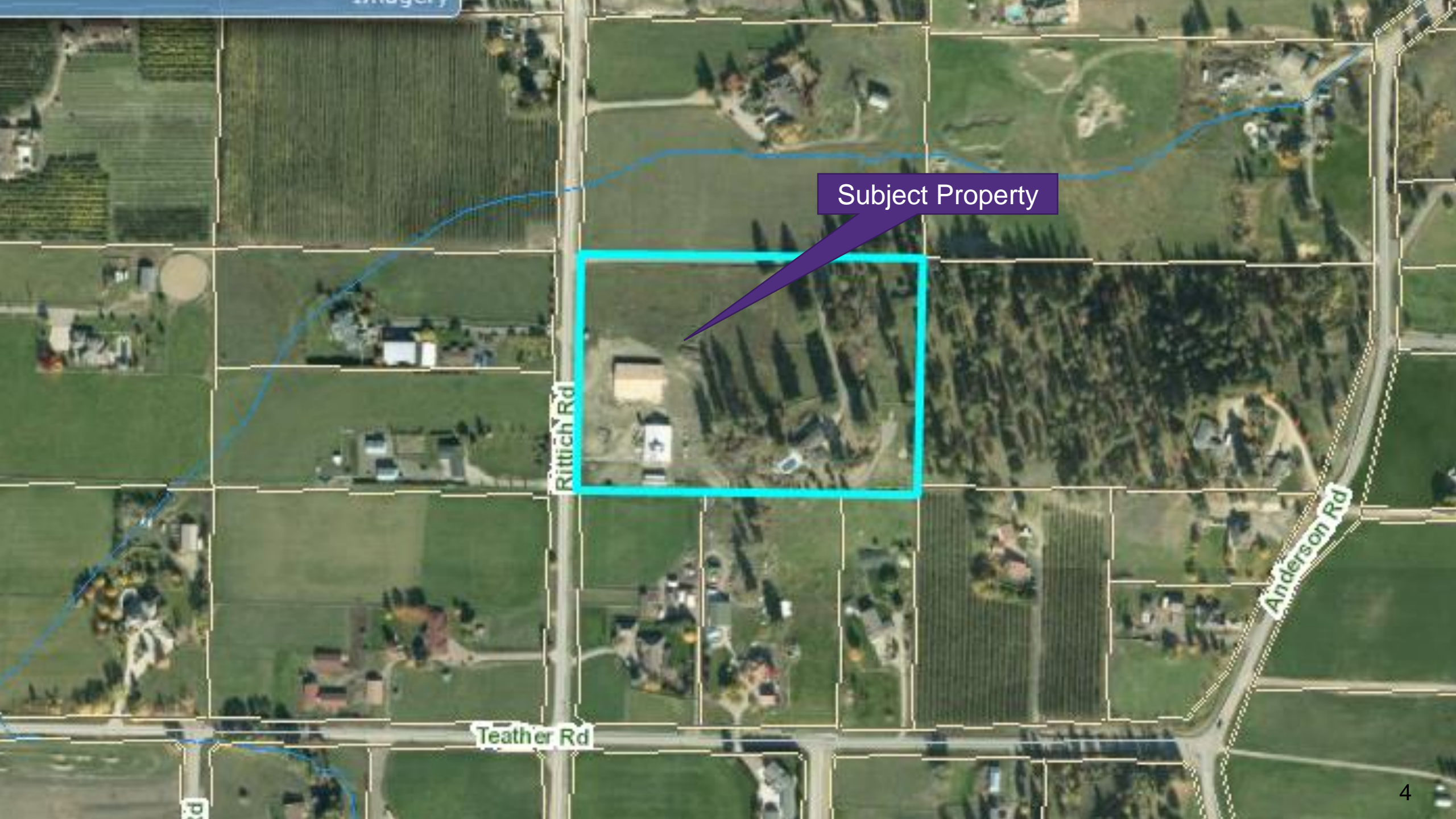
97

Mill (Kelowna) Creek

Subject Property

3km



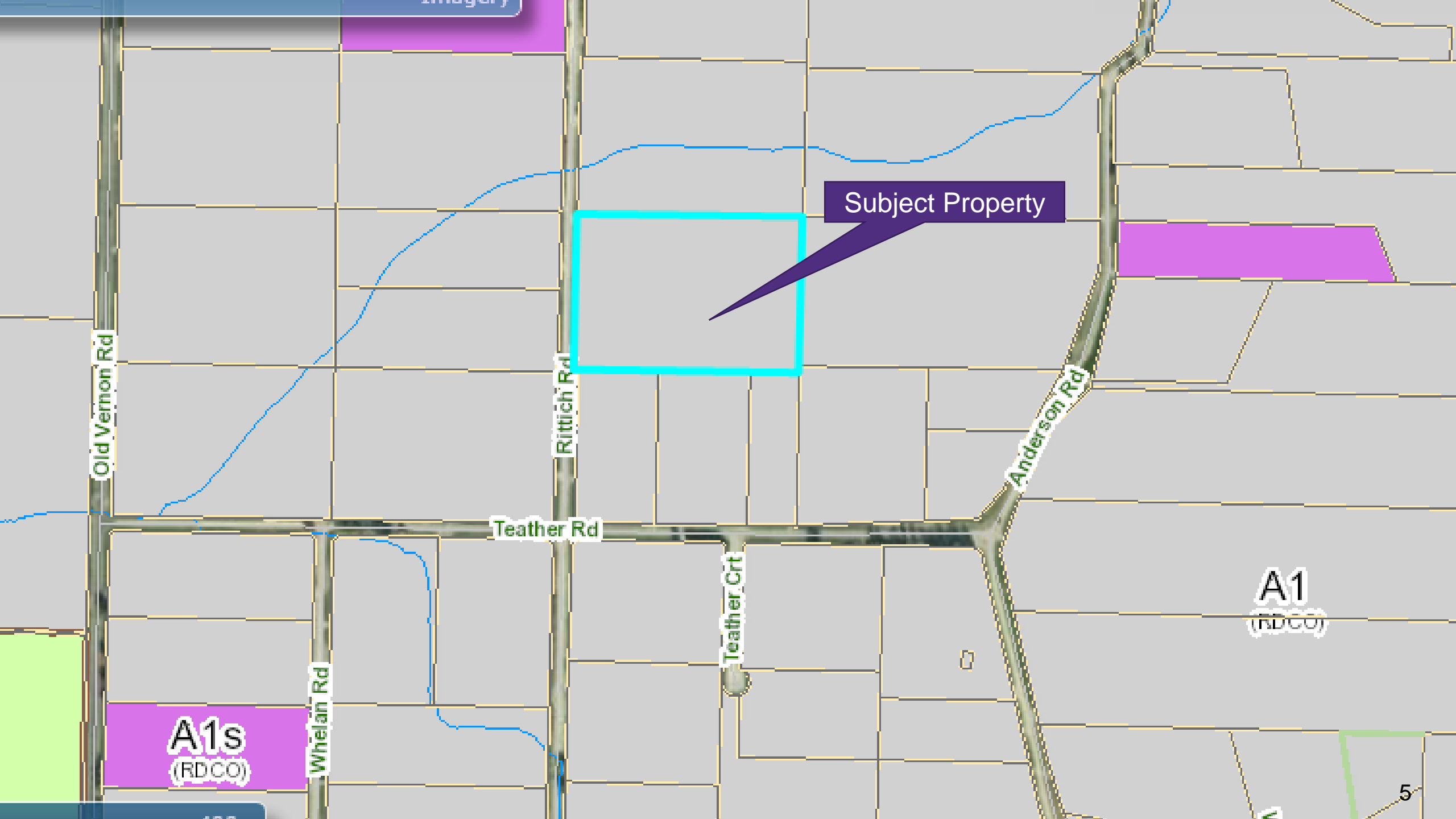


Subject Property

Rittich Rd

Anderson Rd

Teather Rd



Subject Property

Old Vernon Rd

Rittich Rd

Teather Rd

Anderson Rd

Teather Cr.

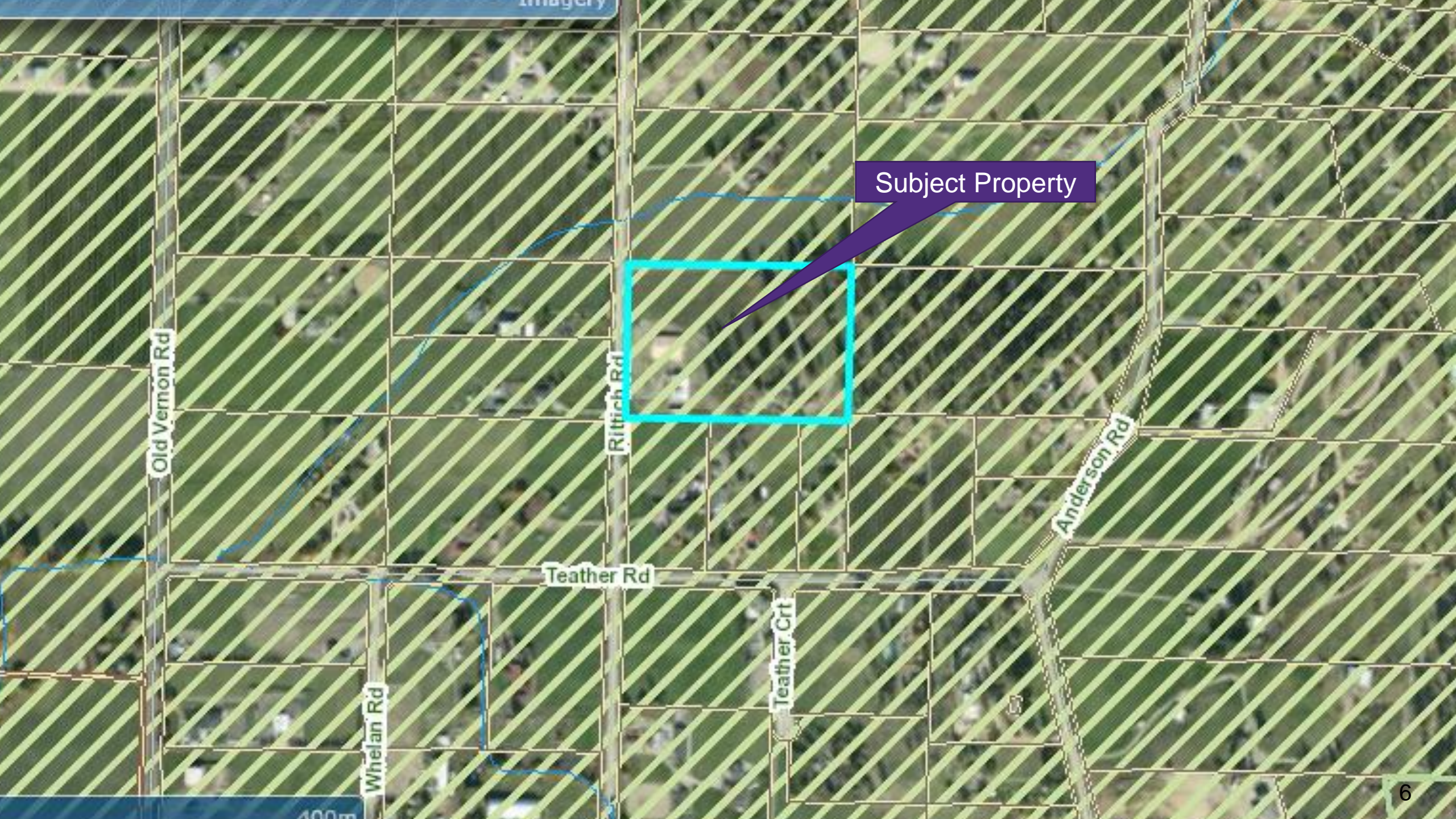
Whelan Rd

A1s  
(RDCO)

A1  
(RDCO)

5





Subject Property

Old Vernon Rd

Rittich Rd

Teather Rd

Anderson Rd

Whelan Rd

Teather Crt

100m



Subject Property

5670

Rittich Rd

5631

5620

100m

# Background

- Zoned A1 Agricultural – cannabis production facility is listed as a permitted use
- Within the ALR
- 10 acre parcel
- Existing Development:
  - Single detached house
  - Accessory buildings
- Proposed expansion of agricultural uses

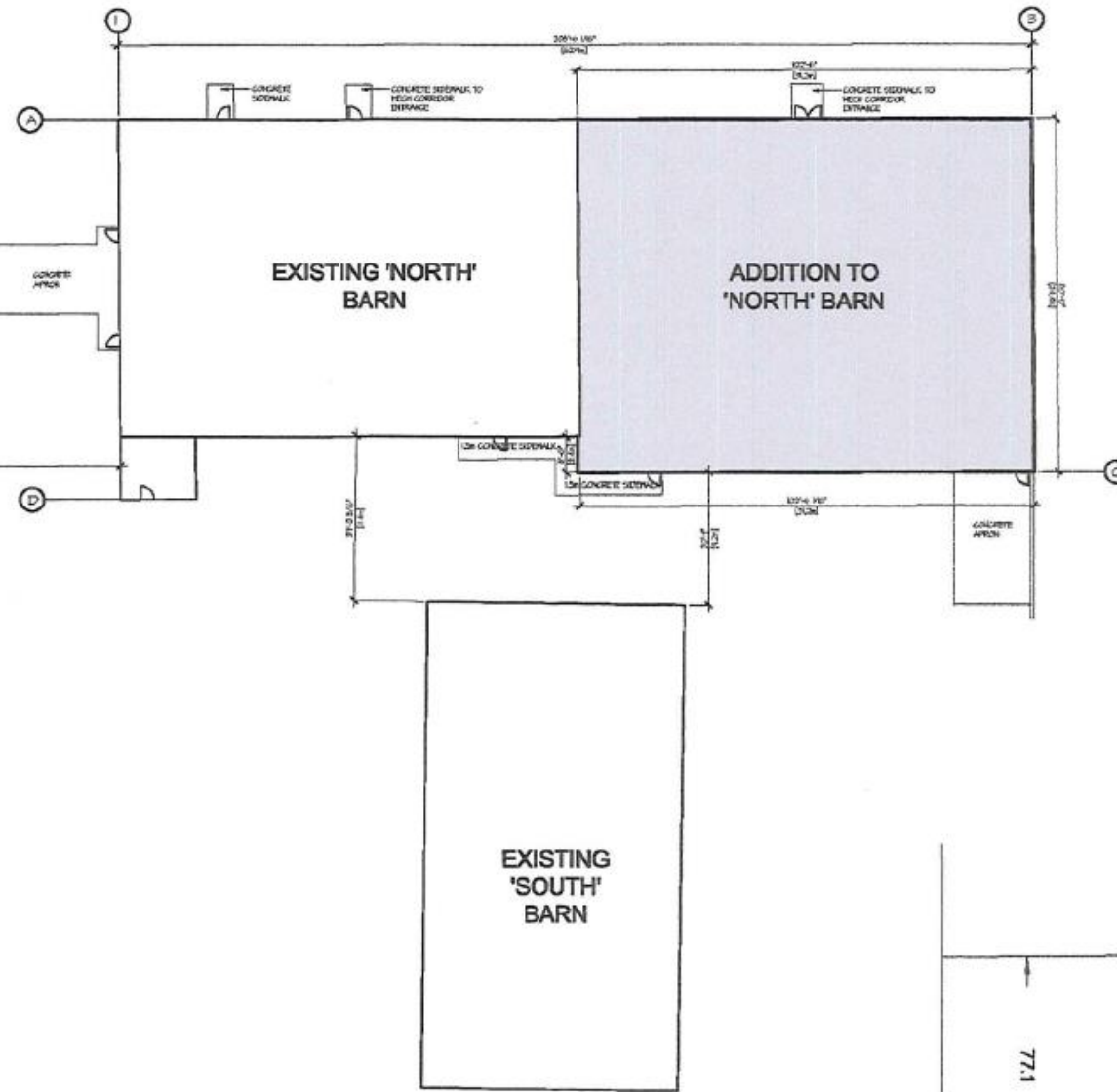


# Proposal

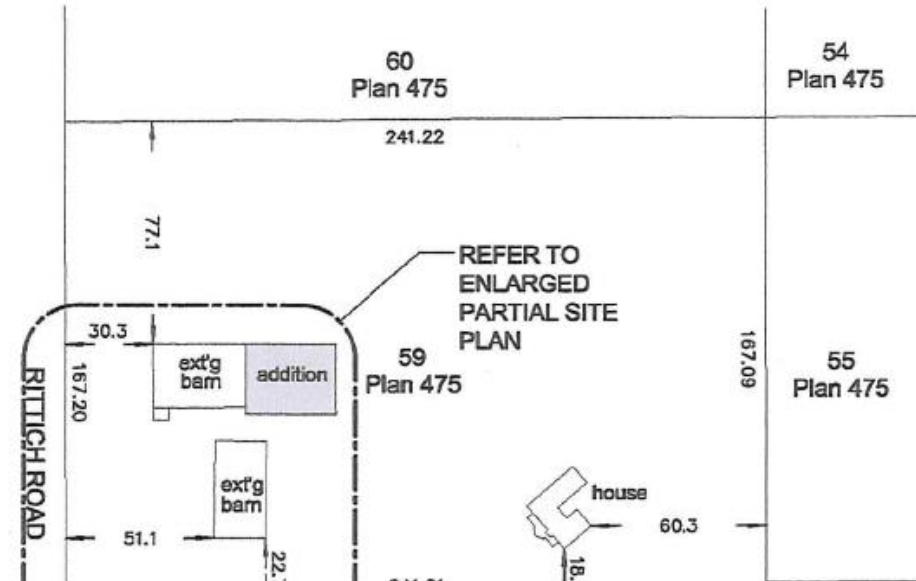
- To permit a cannabis production facility that does not meet current provisions of the zoning bylaw
- Would like to utilize an existing 7,726 sq. ft. accessory building (north barn) along with an addition of 8,204 sq. ft.

# RITTICH ROAD

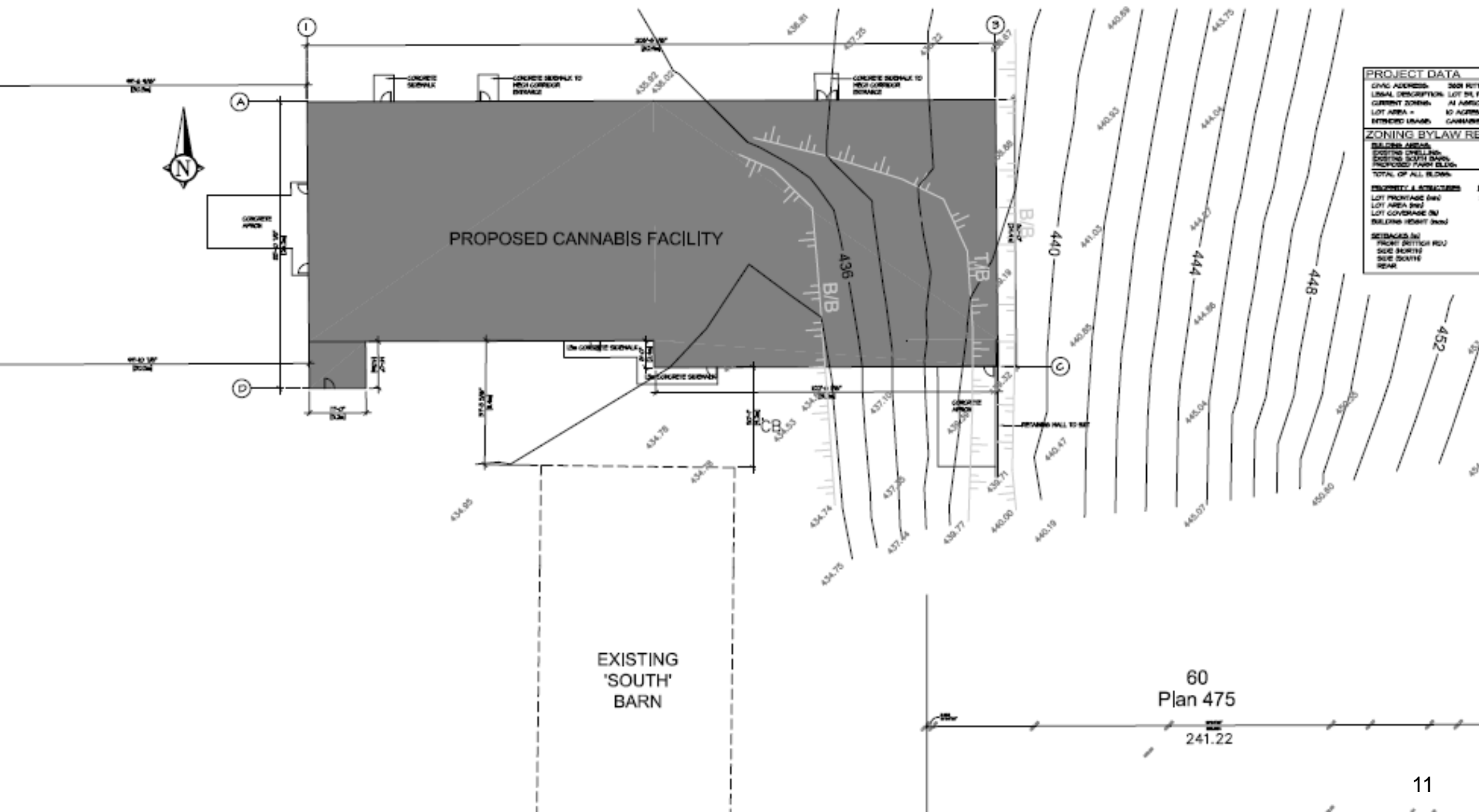
WEST PROPERTY LINE



PROJECT DATA		
CIVIC ADDRESS:	5601 RITTICH ROAD, KILOMBA, BC	
LEGAL DESCRIPTION:	LOT 54, PLAN KAPTS DL 1, 02/15/02	
CURRENT ZONING:	A-1 AGRICULTURAL	
LOT AREA:	10 ACRES (435,637 sq ft)	
INTENDED USE:	GENERAL FARM USE	
ZONING BYLAW REQUIREMENTS		
<b>BUILDING AREAS</b>		
EXISTING EXCELLENCE	(SFA) =	100.0 sq ft
EXISTING SOUTH BARN	(SFA) =	142.0 sq ft
EXISTING NORTH BARN	(SFA) =	111.4 sq ft
NEW ADDITION TO NORTH BARN	(SFA) =	102.0 sq ft
TOTAL OF ALL BLDGS:	(SFA) =	355.4 sq ft
PROPERTY & STRUCTURE		
LOT FRONTAGE (m)	30.0m	91.2m
LOT AREA (sq ft)	1,248,000	10 acres
LOT COVERAGE (%)	28%	34%
BUILDING HEIGHT (m)	10.0m	BARRIERS ARE EXCEPT
SETBACKS (m)		
FRONT (RITTICH RD.)	3.0m	30.0m
SIDE (NORTH)	3.0m	71.1m
SIDE (SOUTH)	3.0m	65.2m
REAR:	3.0m	140.0m



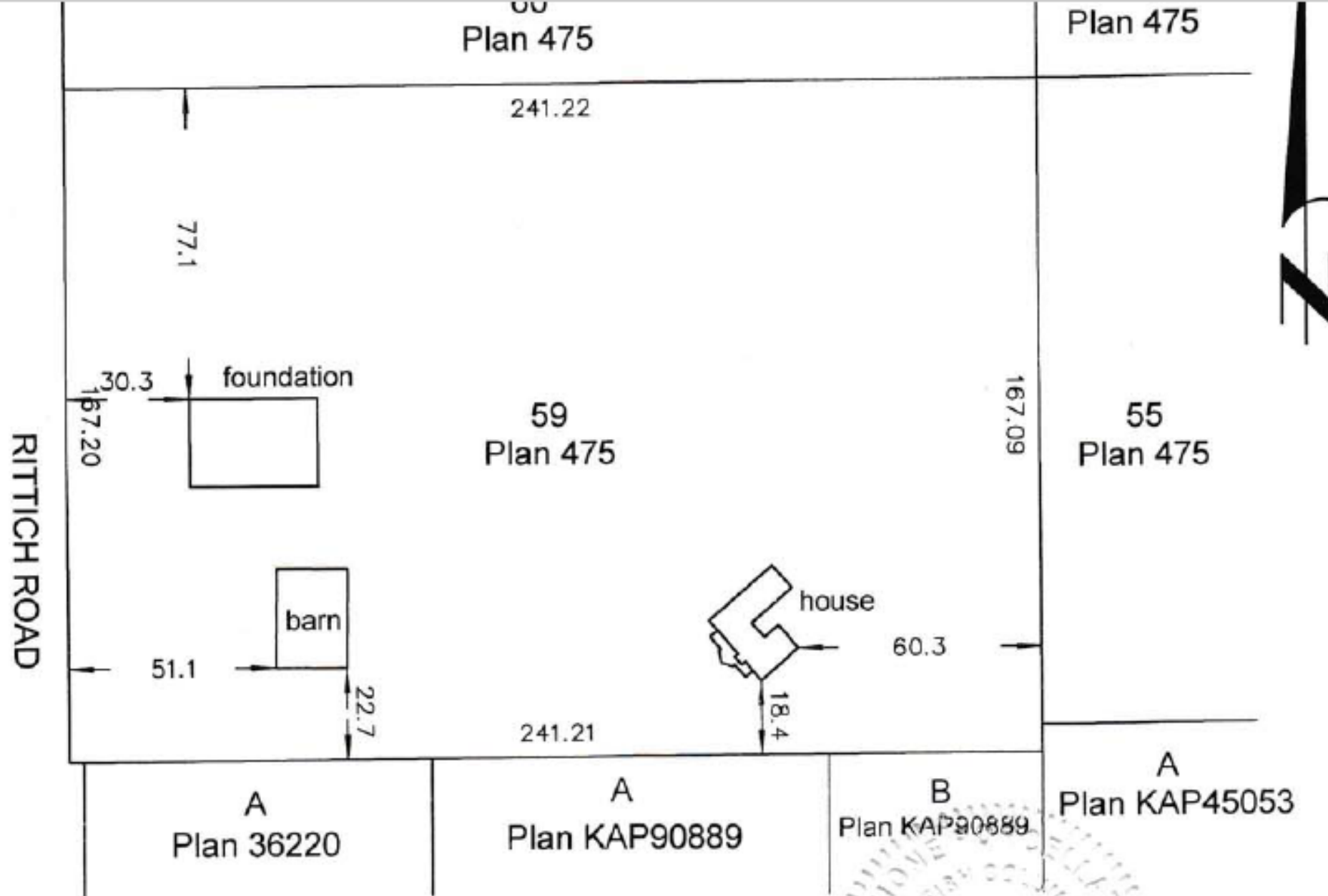




- The zoning bylaw requires that where permitted, a cannabis production facility be located on a parcel having a minimum area of 19.7 acres
- When proposed facilities are unable to meet these regulations, a site specific amendment application must be submitted for consideration by the Board



- Under the zoning bylaw, a cannabis production facility is listed as a prohibited use in the ALR unless specific growing requirements can be achieved
- Construction for the north barn commenced prior to July 13, 2018 and would meet the provisions
- The proposed addition would not meet the provisions



Certified correct this 11th day of July, 2018.



# Servicing

- Water
  - GEID
- Sewerage Disposal
  - On-site sewerage disposal system

# *Cannabis Act & Regulations*

- Legal framework for controlling the production, distribution, sale and possession of cannabis
- A federal licence issued by Health Canada is required to cultivate, process and sell cannabis for medical or non-medical purposes
- Each type has individual requirements and specifications (production practices, security, etc.)

# *Agricultural Land Commission Act & Regulations*

- Previously only certain forms of cannabis production were designated as farm use
- Under the current ALR Use Regulation all forms of cannabis production are considered as a farm use
- Local governments may regulate or prohibit certain kinds of cannabis production, though may not prohibit all forms in the ALR



# Inspections Services

- North Barn:
  - Original permit issued June 2018 for a 7,726 sq. ft. farm building
  - After construction had started the applicant indicated a desire to change the use of the building
  - Construction was put on hold to develop the plans for a cannabis production facility as the applicant understood the use was permitted under the exemption criteria
  - Planning staff advised the applicant the size of the property did not meet the minimum parcel area required for the use and expanding the footprint of the building would not meet the listed exemption criteria

# Inspections Services

- South Barn:
  - Previous permits issued in 1990
  - July 2020 permit issued to construct a 1,739 sq. ft. addition
  - SWO issued September 2020 for additional work to the barn
  - Supporting documentation submitted for additional work and SWO rescinded
  - Outstanding items to be brought in to compliance with the BC Building Code include the decommissioning of an illegal dwelling unit

# Fire Services

- Concerns of fire risk if growing occurs in a structure not built for the intended purpose
- Building to be renovated to an appropriate standard



# Ministry of Agriculture, Food and Fisheries

- No objection
- Building to be renovated to a standard that will prevent odour
- Concerns about specific commodities should be addressed through adequate setbacks and maximum site coverage - not minimum lot size requirements

# Agricultural Land Commission

- No objection
- Under the ALR Use Regulation the use of agricultural land for producing cannabis is a farm use that may not be prohibited by a local government if produced in certain forms
- As the proposal involves the use of an existing structure as well as an addition to that structure, RDCO has discretion whether to permit the addition
- Notice of Intent to the ALC would be required if the proposal requires an area larger than 1000 m<sup>2</sup> for fill placement/removal

# Interior Health Authority

- The use of ALR for cannabis production does not support food security and contributes to the loss of land for food production
- Must comply with the BC Sewerage System Regulation
- For on-site sewerage disposal this may also be subject to approval by the Ministry of Environment
- Recommend the operation follow best practices for protecting the environment and public health including the mitigation of items such as noise and odour



# Glenmore-Ellison Improvement District

- No objection to the proposal
- Applications for development proposing to utilize the GEID water system must proceed in compliance with GEID bylaws, regulations, and policy

# Ministry of Transportation and Infrastructure

- If approved, a Provincial Public Highway Permit Application for the property access would be required

# Public Notification

- Any correspondence received from the public will be provided as part of a future Public Hearing report



# Staff Rationale

- Complies with the ALR Use Regulations & ALC Policy
- Does not require approval from the ALC
- Existing Development Footprint
- Large production facilities to support farm use operations exist throughout the Ellison area
- Available Servicing / Infrastructure
- Within a Fire Protection Area

# Recommendation

**THAT** Zoning Amendment Bylaw No. 871-268 for A. & C. Patton located on Lot 59, DL 1, ODYD, Plan 475, be given first reading;

# Recommendation

**AND FURTHER THAT** scheduling of a Public Hearing for application Z21/03 be withheld pending:

- Receipt of comments from the Agricultural Advisory Commission and Ministry of Environment and Climate Change Strategy; and
- The applicant's submission of a demolition permit application to remove the illegal dwelling unit within the existing accessory building (south barn)

Subject Property

5670

Rittich Rd

5631

5620

100m

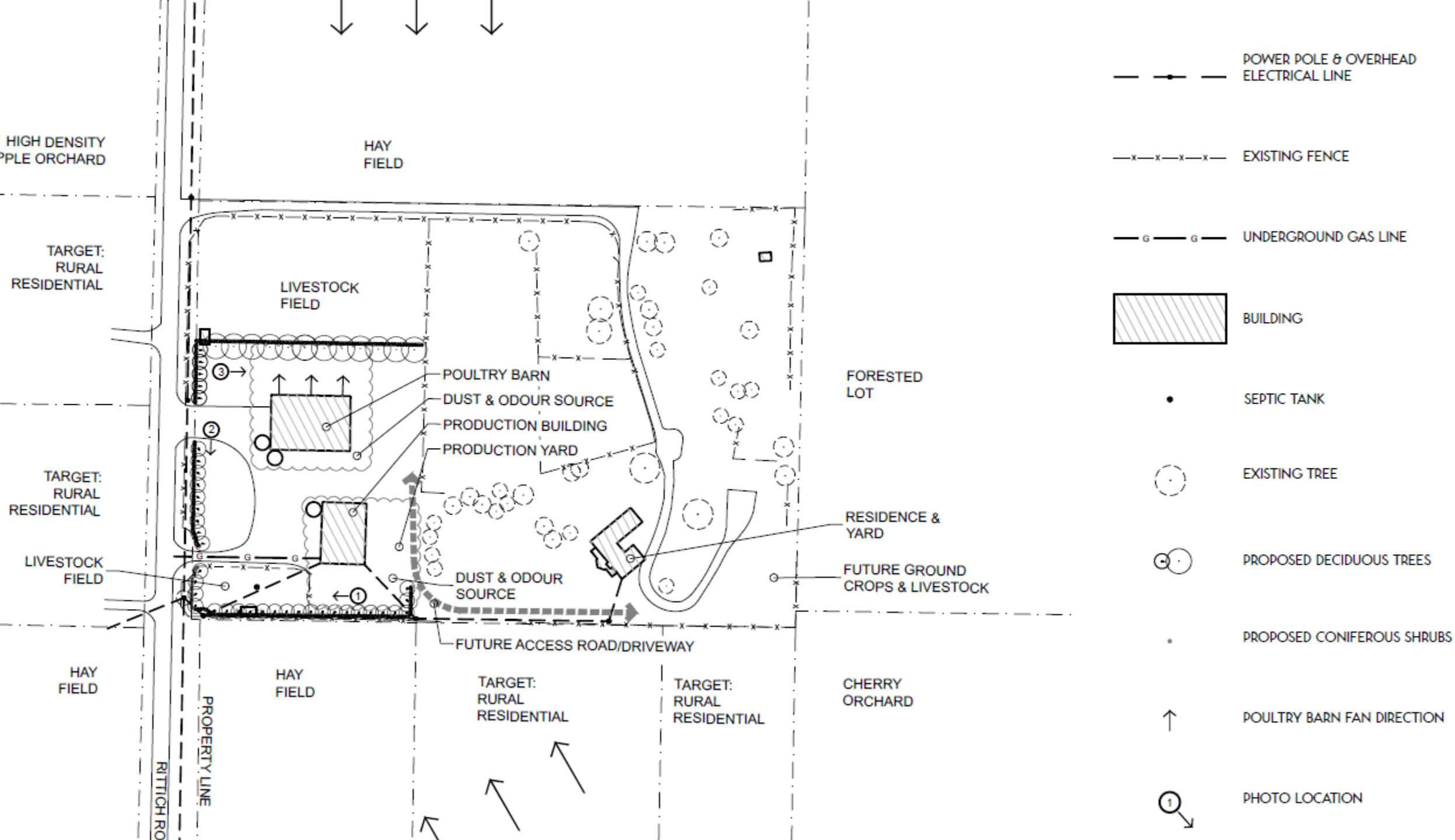


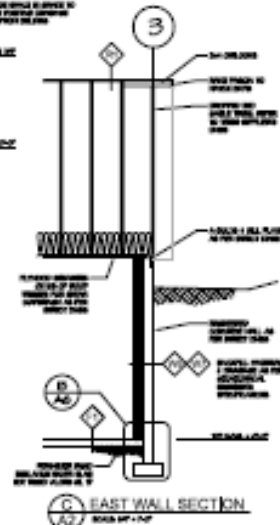
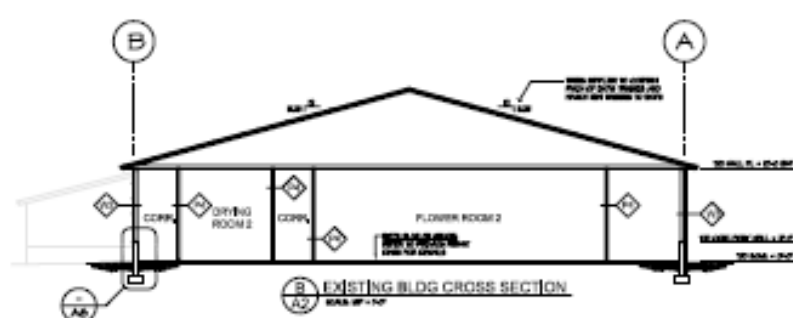
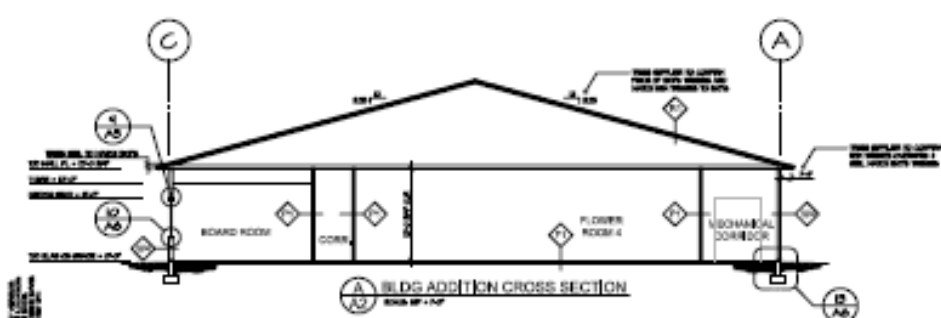
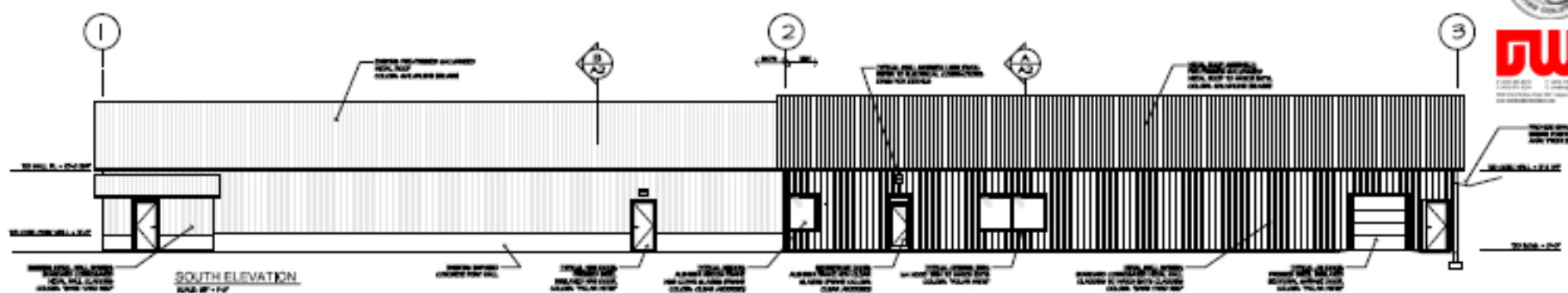
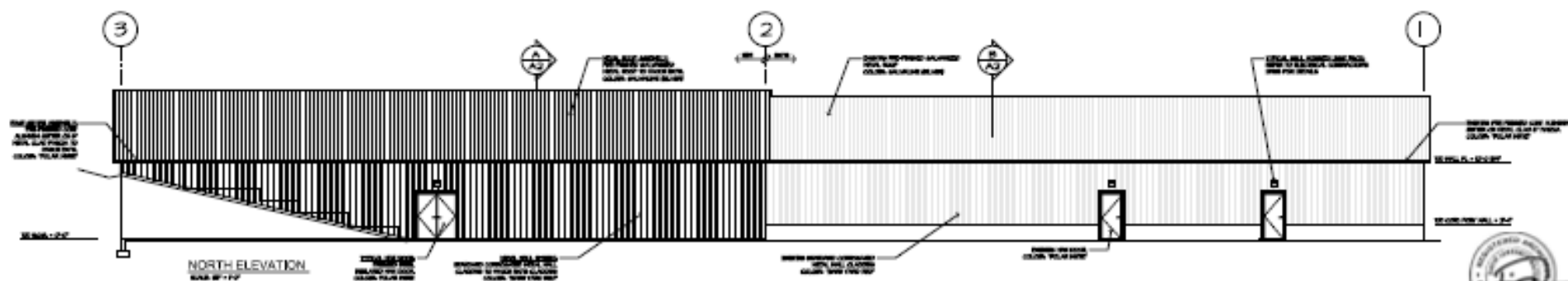
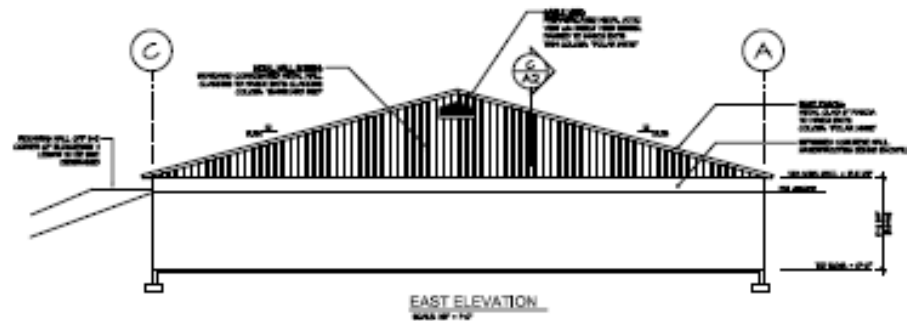
# Alternative Recommendation

**THAT** Zoning Bylaw No. 871-268 is not given first reading.

# ALR Use Regulation

- The use of agricultural land for producing cannabis is a farm use that may not be prohibited by a local government if produced in certain forms:
  - grown outdoors;
  - inside a structure with a base consisting entirely of soil; or
  - a structure used for the growing of crops that was constructed or under construction on July 13, 2018).





CORNERSTONE

CONTRACT SERVICES

ARCHITECTURAL

ENGINEERING

LANDSCAPE ARCHITECTURE

INTERIOR DESIGN

PLANNING

PROJECT NAME

CANNABIS PRODUCTION FACILITY

6801 KETCH ROAD

KELOWNA, BC

ISSUED FOR

ELEVATIONS & BLDG

CROSS SECTIONS

PROJECT NUMBER

A-2

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01

PROJECT NO.

2020-01

DATE

2020-01





