



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: June 28, 2021

SUBJECT: Zoning Amendment Bylaw No. 871-268 (Z21/03)
A. Patton, 5631 Rittich Road
Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote—Electoral Areas & Kelowna Area—1 Director, 1 Vote – Simple Majority*

Purpose: To consider a site-specific amendment to Zoning Bylaw No. 871 to permit a cannabis production facility on Lot 59, District Lot 1, ODYD, Plan 475.

Executive Summary:

Cannabis is regulated by the federal government. The applicant wishes to apply to Health Canada for a standard cultivation licence to grow cannabis and the proposed use must comply with all provincial and local government bylaws. The applicant is requesting a site-specific amendment to Zoning Bylaw No. 871 to permit a cannabis production facility and wishes to utilize an existing accessory building along with a proposed addition for this use.

Under the zoning bylaw, a cannabis production facility would not currently be permitted as the size of the subject property is too small to accommodate the use. Further, the use is prohibited unless it meets listed exemption criteria. The existing accessory building would meet the exemption criteria however, the proposed addition would not. Zoning Amendment Bylaw No. 871-268 received first reading on May 31, 2021.

RECOMMENDATION:

THAT Zoning Amendment Bylaw No. 871-268 be given second and third readings;

AND FURTHER THAT final adoption be withheld pending:

- Completion of demolition works associated with Building Permit No. 8386/21.

Respectfully Submitted:

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

Todd Cashin
Director of Community Services

Approved for Board Consideration

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

Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan:	Granting further readings of the amendment bylaw achieves the Regional Board Strategic Priorities 2019-2022 with respect to “Sustainable Communities” and “Economic Development”.
Policy:	Granting further readings of the amendment bylaw complies with: <ul style="list-style-type: none">• Regional Growth Strategy Bylaw No. 1336 goals and policies• Agricultural Plan objectives• Ellison Official Community Plan Bylaw No. 1124
Legal/Statutory Authority:	Granting further readings of the amendment bylaw is in compliance with <i>Local Government Act</i> , Section 479, <i>Agricultural Land Commission Act</i> & ALR Use Regulation.

Background:

Zoning Amendment Bylaw No. 871-268 received first reading on May 31, 2021. The Regional Board directed that prior to scheduling a Public Hearing the following were required:

- 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).

Since first reading, Regional District staff received comments from the Agricultural Advisory Commission and Ministry of Environment and Climate Change Strategy. Further, the applicant has submitted a demolition permit application to remove the illegal dwelling unit within the existing accessory building (south barn). As such, a Public Hearing was scheduled for June 28, 2021, prior to the regular Board Meeting.

The property is within the Agricultural Land Reserve (ALR). Under the ALR Use Regulation all forms of cannabis production are a “farm use” in the ALR. The proposal does not require subsequent approval from the Agricultural Land Commission.

Conclusion:

A portion of the proposed facility would utilize an existing development footprint and further expansion beyond the current proposal would not be permitted. Community water is available to service the facility and the property is within the Ellison Fire Protection Area.

Requirements identified by the Regional Board for further consideration of the amendment bylaw have been satisfied and no concerns have been identified by external agencies. Planning staff recommends that Zoning Amendment Bylaw No. 871-268 be given second and third readings.

Alternative Recommendation:

THAT Zoning Bylaw No. 871-268 is not given second and third readings.

Considerations not applicable to this report:

- *Financial Considerations*
- *Organizational Issues*
- *External*

Attachment:

- Zoning Amendment Bylaw No. 871-268