

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: July 2, 2020

RE: OCP Bylaw Amendments - Electoral Areas "A", "C", "D", "E", "F", "G", "H" & "I"
Micro Cannabis Production Facilities

Administrative Recommendation:

THAT Bylaw No. 2858, 2019, a bylaw to amend Electoral Area Official Community Plans to introduce criteria against which the Regional District may choose to evaluate an application for a "micro cannabis production facility", be read a third time and adopted.

Purpose:

The purpose of the proposed amendments to the Electoral Area Official Community Plan (OCP) Bylaws is to introduce policy statements that indicate the criteria against which the Regional District Board *may* choose to evaluate an amendment bylaw application for a "micro cannabis production facility".

Background:

Public information meetings were held on July 31, 2019 (Kaleden), August 1, 2019 (Princeton), August 19, 2019 (Oliver) and August 21, 2019 (Naramata). Attendance at these meetings consisted of four (4) persons in Kaleden, two (2) persons in Princeton, four (4) persons in Oliver and approximately 37 persons in Naramata.

At its meeting of October 17, 2019, the P&D Committee considered all representations received in relation to this consultation process and resolved that "more information is required."

At its meeting of January 23, 2020, the P&D Committee of the Board further considered Bylaw No. 2858 and resolved that "staff be instructed to explore separate setbacks for agricultural properties abutting agricultural and residential land and come back with recommendations as to reasonable setbacks for intensive farming operations."

At its meeting of February 6, 2020, the P&D Committee of the Board resolved that Bylaw No. 2858 be amended prior to proceeding to first reading so that:

- *all amendments to the Electoral Area zoning bylaws be removed; and*
- *new policy statements regarding the criteria against which a bylaw amendment application proposing a micro cannabis production facility in a Rural zone will be assessed against be introduced into the Electoral Area Official Community Plan Bylaws.*

At its meeting of March 19, 2020, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of April 16, 2020.

At its meeting of March 19, 2020, the Board subsequently resolved that all non-regulatory public hearings on land use matters be waived, and all regulatory public hearings be postponed until further notice in response to the on-going health crisis related to the COVID-19 virus.

On May 1, 2020, Ministerial Order M139, issued under the *Emergency Program Act*, enables local governments to hold a public hearing by means of electronic or other communication facilities.

An electronic public hearing on the amendment bylaws is scheduled to occur on June 18, 2020, ahead of the regular meeting of the Board.

All representations received to date that are seen to be related to Bylaw No. 2858, including those from external agencies, are included as a separate item on the Board agenda.

Analysis:

Further to the direction provided by the P&D Committee of the Board at its meeting of February 6, 2020, Bylaw No. 2858 is proposing to introduce OCP policies that speak to the criteria the Board would use when considering rezoning applications proposing to allow micro cannabis production facility. Specifically:

- i) the parcel under application has an area not less than 2.0 hectares;*
- ii) the maximum size of the plant surface cultivation area is 200.0 m²;*
- iii) confirmation is provided that adequate water and servicing is available to the site; and*
- iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.*

Administration supports these amendments as they will provide direction to the public, property owners and staff on basic parameters a rezoning application to allow for a micro cannabis production facility should be addressing.

Alternatives:

- .1 THAT third reading of Zoning Amendment Bylaw No. 2858, 2019, be deferred.
- .2 THAT third reading of Zoning Amendment Bylaw No. 2858, 2019, be denied.

Respectfully submitted:



C. Garrish, Planning Manager