



REGIONAL DISTRICT OF CENTRAL OKANAGAN
REGULAR BOARD MEETING
AGENDA

Monday, October 1, 2018
7:00 p.m.
1435 Water Street, Kelowna, BC

Pages

1. CALL TO ORDER

Chair Given acknowledged that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

2. ADDITION OF LATE ITEMS

3. ADOPTION OF THE AGENDA

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:
THAT the agenda be adopted.

4. ADOPTION OF MINUTES

4.1 **Regional Board Meeting Minutes - September 24, 2018**

3 - 10

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:
THAT the Regional Board meeting minutes of September 24, 2018 be adopted.

5. COMMUNITY SERVICES

5.1 **Bylaws - Second and Third Readings**

5.1.1 Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 (RLUB-18-01)

11 - 15

To amend Joe Rich Rural Land Use Bylaw No. 1195 to incorporate changes to include Cannabis Facilities

(Custom Vote - Electoral Areas and Kelowna Fringe - 1 Director, 1 Vote)

Recommended Motion:

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 be given second and third readings;

AND THAT final consideration be withheld pending RDCO staff receiving amendment bylaw approval from the Ministry of Transportation and Infrastructure.

5.1.2 Zoning Amendment Bylaw No 871-247 (File: Z18/02)

16 - 20

To amend Zoning Bylaw No. 871 to incorporate changes to include Cannabis Facilities

Central Okanagan West and East Electoral Areas

(Custom Vote - All Directors - 1 Director, 1 Vote)

Recommended Motion:

THAT Zoning Amendment Bylaw No. 871-247 be given second and third readings;

AND FURTHER THAT final consideration be withheld pending RDCO staff receiving amendment bylaw approval from the Ministry of Transportation and Infrastructure.

5.1.3 Zoning Amendment Bylaw No. 871-249 (Z18/04)

21 - 25

To amend Zoning Bylaw No. 871 to incorporate changes to clarify RV and Campsite Regulations

Central Okanagan West and East Electoral Areas

(Custom Vote - All Directors - 1 Director, 1 Vote)

Recommended Motion:

THAT Zoning Amendment Bylaw No. 871-249 be given second and third readings;

AND THAT final consideration be withheld pending RDCO staff receiving amendment bylaw approval from the Ministry of Transportation and Infrastructure.

6. DIRECTOR ITEMS

7. ADJOURN

Minutes of the *REGIONAL BOARD MEETING* of the Regional District of Central Okanagan held at Regional District Offices, 1450 KLO Road, Kelowna, B.C. on Monday, September 24, 2018

Directors

- J. Baker (District of Lake Country)
- C. Basran (City of Kelowna)
- W. Carson (Central Okanagan West Electoral Area)
- M. DeHart (City of Kelowna)
- R. de Jong (City of West Kelowna)
- D. Findlater (City of West Kelowna)
- G. Given (City of Kelowna)
- T. Gray (City of Kelowna)
- M. Bartyik, alternate for P. Hanson (Central Okanagan East Electoral Area)
- C. Hodge (City of Kelowna)
- B. Sieben (City of Kelowna)
- L. Stack (City of Kelowna)
- T. Konek (Westbank First Nation)

Absent: C. Fortin (District of Peachland)

Staff:

- B. Reardon, Chief Administrative Officer
- T. Cashin, Manager of Community Services
- C. Coates, Waste Reduction
- D. Dudzik, Environmental Planner
- C. Griffiths, Director Economic Development
- D. Komaike, Director of Engineering Services
- M. Rilkoﬀ, Director of Financial Services
- B. Smith, Communications
- M. Drouin, Manager-Corporate Services (recording secretary)

1. CALL TO ORDER

Chair Given called the meeting to order at 6:30 p.m.

The meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

2. ADJOURN TO IN CAMERA

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

#141/18 STACK/BASRAN

THAT pursuant to Section 90 (g) of the Community Charter the Regional Board convene to an 'In-Camera' session to discuss:

- Litigation or potential litigation affecting the Regional District

CARRIED Unanimously

3. RECONVENE FROM IN CAMERA

The Board rose from In Camera at 7:05 p.m., and reported that on July 19, 2018 the Board approved the following resolution:

"THAT staff be directed to begin, or continue, the preparation of a bylaw to:

- amend the current C8 zoning regulations to remove Tourist Cabins and Tourist Lodges from the permitted uses, buildings and structures listed in Section 11.8.1.1;
- amend the definition of Recreational Vehicle in Zoning Bylaw No. 871 to provide that park model trailer is not a permitted form of recreational vehicle, and
- include a definition of Park Model Trailer in Zoning Bylaw No. 871;

AND THAT the Board considers an application for a building permit for a Tourist Cabin, a Tourist Lodge or a Tourist Campsite on which a park model trailer will be located will be in conflict with the bylaw under preparation in accordance with the preceding resolution;

AND FURTHER THAT staff be directed to withhold any building permit application for a Tourist Cabin, Tourist Lodge or Tourist Campsite for a Park Model Trailer on the Lands for a period of 30 days, or such lesser period in the event the Board resolves further."

4. ADDITION OF LATE ITEMS

There were no late items to the agenda.

5. ADOPTION OF THE AGENDA

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

#142/18 BAKER/DEHART

THAT the agenda be adopted.

CARRIED Unanimously

6. ADOPTION OF MINUTES

- 4.1 Regional Board Regular Meeting Minutes – August 27, 2018 *(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

#143/18 BAKER/SIEBEN

THAT the Regional Board Regular meeting minutes of August 27, 2018 be adopted.

CARRIED Unanimously

7. CORRESPONDENCE

- 7.1 Okanagan Basin Water Board Meeting Highlights – September 11, 2018 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

#144/18 GRAY/BAKER

THAT the Okanagan Basin Water Board meeting highlights of September 11, 2018 be received for information.

CARRIED Unanimously

8. CORPORATE SERVICES

- 8.1 Regional Board Remuneration Bylaw No. 1421 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report dated September 20, 2018 outlined the changes to the Board's remuneration bylaw due to the elimination of the 1/3rd non-taxable allowance for elected officials.

#145/18 STACK/BAKER

THAT Regional District of Central Okanagan Regional Board Remuneration Bylaw No. 1421, 2018 be given first, second and third readings and adopted.

CARRIED (opposed Dejong)

- 8.2 Appointment of Animal Control Officers (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

#146/18 BAKER/DEHART

THAT the Regional Board appoint Mr. Kellie Thomas and Mr. William (Bill) McKenney as a Regional District of Central Okanagan Animal Control Officer.

CARRIED Unanimously

9. COMMUNITY SERVICES

9.1 Appointment of members to RDCO Planning Commissions

Staff report dated September 24th outlined the recommended appointments to the planning commissions.

9.1.1 Environmental Advisory Commission (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

#147/18 BASRAN/HODGE

THAT the Regional Board approve the appointment of Shannen Beckinsale, Allison O'Neill, Jenna Hutchen, Robert Bonnell and Les Gyug as members of the Environmental Advisory Commission for three-year terms (October 2018 – October 2021);

AND FURTHER THAT the Board approve the appointment of Kate MacMillan as a member of the Environmental Advisory Commission for a one-year term (October 2018 – October 2019).

CARRIED Unanimously

9.1.2 Agricultural Advisory Commission (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

#148/18 BAKER/SIEBEN

THAT the Regional Board approve the appointment of Connie Muir and Robyn Bunn as members of the Agricultural Advisory Commission for three-year terms (October 2018 – October 2021);

AND FURTHER THAT the Board approves the re-appointment of Sandra Follack to a three-year term as a member of the Regional District Agricultural Advisory Commission (October 2018 – October 2021).

CARRIED Unanimously

9.2 Development Variance Permit - G. McKimm (owner) 9333 Winchester Road (VP-18-05) Central Okanagan West Electoral Area (*Custom Vote - Electoral Areas - 1 Director, 1 Vote*)

Staff report dated September 24th outlined the variance to allow a reduction of the front setback to permit the siting of an existing garage.

Chair invited anyone in the gallery deemed affected by the variance to comment. There was no-one.

#149/18 CARSON/BARTYIK

THAT Development Variance Permit Application VP-18-05 to vary the following sections of Zoning Bylaw No. 871 be approved based on the Land Surveyor's Certificate dated July 27, 2018, by William E. Maddox:

1. Section 3.17.5 by allowing one accessory building in the required front setback.
2. Section 6.5.4 by allowing a reduction of the minimum front setback from 6.0 m (19.7 ft.) to 5.7 m (18.7 ft.) to permit one accessory building.

CARRIED Unanimously

- 9.3 Agricultural Land Reserve Appeal - 'Heartland Ranch', Application for non-farm use in the ALR for D. Schultz - Free Flow, Entertainment Corporation (applicant), located at 5983 and 6085 Highway 33 (A-18-03), Central Okanagan East Electoral Area (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report dated September 24th outlined an application to obtain Agricultural Land Commission approval for a non-farm use to allow a multi-day festival at 'Heartland Ranch'. Staff reviewed the application and outlined the agency referral comments.

#150/18 BAKER/BARTYIK

THAT the Regional Board does NOT support Agriculture Land Commission Application A-18-03 for non-farm use, to allow the Volim Valley lifestyle festival on the subject parcels;

AND FURTHER THAT the Regional Board directs staff to NOT forward the application to the Agricultural Land Commission.

CARRIED Unanimously

- 9.4 First Reading - Zoning Amendment Bylaw No. 871-248, M. Christie (owner), located adjacent to 5731 Anderson Road (Z18/03), to allow a secondary suite, Central Okanagan East Electoral Area (*Custom Vote - Electoral Areas, Kelowna Fringe Area - 1 Director, 1 Vote*)

Staff report dated September 24th outlined the application to permit a secondary suite by rezoning the subject property from A1 Agricultural to A1s Agricultural (Secondary Suite).

#151/18 BARTYIK/BASRAN

THAT Zoning Amendment Bylaw No. 871-248 be given first reading;

AND FURTHER THAT scheduling for a Public Hearing be withheld pending receipt of a business license application for the kennel business.

CARRIED Unanimously

- 9.5 Proposed Development - 4755 & 4795 Paradise Valley Drive – Trepanier Valley, Douglas Turner (owner), c/o Cliff Stowell (agent), Central Okanagan West Electoral Area *(All Directors - Unweighted Corporate Vote - Custom Vote, 1 Director, 1 Vote)*

Staff report dated September 21st outlined the RDCO received an application for a building permit which is in conflict with the provisions of Zoning Amendment Bylaw No. 871-249 which was given first reading by the Board on August 27, 2018.

#152/18 HODGE/STACK

WHEREAS the Board gave first reading to Zoning Amendment Bylaw No. 871-249 on August 27, 2018 (the “Amending Bylaw”) which includes amendments to the current C8 zoning applicable to the Lands to remove Tourist Cabins and Tourist Lodges from the permitted uses and to provide that park model trailer is not a permitted form of recreational vehicle;

AND WHEREAS the Regional District received a building permit application on August 31, 2018 for site services for a development on the Lands (the “Building Permit Application”) that staff consider is for a development that is in conflict with the provisions of the Amending Bylaw as the proposed development includes 80 Tourist Cabins which will not be permitted in the C8 Zone under the Amending Bylaw.

THEREFORE, the Board resolves that:

The Board considers the development proposed in the Building Permit Application is in conflict with the Amending Bylaw;

AND FURTHER a building permit related to the Building Permit Application be withheld for a period of 30 days from the date the application was made, being August 31, 2018;

AND FURTHER THAT the Board having considered the Building Permit Application, staff be directed to withhold a building permit in respect of the Building Permit Application for a further 60 days from September 24, 2018.

CARRIED Unanimously

10. ENGINEERING SERVICES

10.1 Asset Management Grant Applications (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

Staff report dated September 19th outlined two grant applications available for the RDCO's asset management program.

#153/18 GRAY/BARTYIK

THAT the Regional Board approve making an application for a grant to the Federation of Canadian Municipalities' Municipal Asset Management Program for \$50,000.

AND FURTHER THAT the Regional Board approve making an application for a grant to the Union of BC Municipalities' Asset Management Planning Program for \$15,000.

CARRIED Unanimously

10.2 Recycle BC Contract Approval (*All Directors - Weighted Corporate Vote - Simple Majority - LGA 210.2*)

Staff report dated September 12th outlined the Recycle BC Agreement and financial incentives.

#154/18 DEJONG/DEHART

THAT the Regional Board accepts the financial incentives offered by Recycle BC for curbside collection, recycling depot service, resident education and service administration;

AND FURTHER THAT the Regional Board approves entering into contracts with Recycle BC for a five-year term for Curbside and Depot Recycling Collection (Nov 30, 2018 – Dec 31, 2023)

CARRIED Unanimously

10.3 Brent Road Fire Protection Service Agreement with the District of Peachland (*All Directors - Weighted Corporate Vote - Simple Majority - LGA 210.2*)

Staff report dated September 17th outlined the renewal of the Brent Road Fire Protection Service Agreement with the District of Peachland for a five-year period.

#155/18 FINDLATER/CARSON

THAT the Regional Board approve entering into the Fire Service Agreement between the District of Peachland and the Regional District of Central Okanagan for fire protection service in the Brent Road Fire Protection Service Area for a five-year term commencing October 1, 2018 to September 30, 2023.

CARRIED Unanimously

10.4 Fire Services Update On The Fire Season

Staff provided an overview PowerPoint presentation on the four electoral area fire departments and the 2018 fire season.

#156/18 CARSON/HODGE

THAT the fire service update on the fire season be received for information.

CARRIED Unanimously

11. NEW BUSINESS

There was no new business.

12. DIRECTOR ITEMS

- Rail Trail Grand Opening on Sept 27th
- United Way breakfast on Oct. 11th
- Board meeting following the Public Hearing on Oct. 1st

13. ADJOURN

There being no further business the meeting was adjourned at 9:04 p.m.

CERTIFIED TO BE TRUE AND CORRECT

G. Given (Chair)

B. Reardon (Chief Administrative Officer)



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: October 1, 2018

SUBJECT: Text Amendments to Joe Rich Rural Land Use Bylaw No. 1195, 2007
(RLUB-18-01) RLUB Amendment Bylaw No. 1195-19
(Regional District of Central Okanagan – applicant)
Central Okanagan East Electoral Area

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

Purpose: To amend regulations in Joe Rich Rural Land Use Bylaw No. 1195 to prohibit retail cannabis sales and regulate cannabis production on agricultural land.

Executive Summary:

In a proactive effort, the bylaw amendment seeks to prohibit the retail sale of cannabis prior to legalization by the Government of Canada on October 17, 2018. In addition, the amendment proposes to restrict how cannabis is produced on farm land. Member municipalities have either adopted bylaws or are in the process of considering bylaws which either regulate or prohibit cannabis sales and production. The proposal is in keeping with goals and policies of the Regional Growth Strategy and the Rural Land Use Bylaw.

It is anticipated that there will be a future review of the regulations to consider permitting cannabis retail sales. Prior to that time, should there be interest in conducting the retail sale of cannabis, a site-specific land use application could be submitted for Regional Board consideration.

RECOMMENDATION:

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 be given second and third readings;

AND THAT final consideration be withheld pending RDCO staff receiving amendment bylaw approval from the Ministry of Transportation and Infrastructure.

Respectfully Submitted:


Todd Cashin
Director of Community Services

Prepared by: Janelle Taylor, Planner

Approved for Board's Consideration


Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan:	Granting second and third readings to the amendment bylaw meets the 2015-2018 Strategic Priorities Plan, Strategic Priority #3: Nurture Responsible Growth and Development.
Policy:	Granting second and third readings to the amendment bylaw is in compliance with the goals and policies of: <ul style="list-style-type: none">• Regional Growth Strategy Bylaw No. 1336, and• Joe Rich Rural Land Use Bylaw No. 1195.
Legal/Statutory Authority:	Granting second and third readings to the amendment bylaw is in compliance with: <ul style="list-style-type: none">• Agricultural Land Reserve Use, Subdivision and Procedure Regulation,• <i>Local Government Act</i>, Section 479, and• <i>Transportation Act</i>, Section 52.

Background:

Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 received first reading August 27, 2018. A Public Hearing was held on October 1, 2018.

The property is located within 800 metres of a Controlled Access Highway; therefore, MOTI approval of the amendment bylaw is required after 3rd reading pursuant to Section 52(3)a of the *Transportation Act*.

Considerations not applicable to this report:

- *Financial Considerations*
- *Organizational Issues*
- *External Implications*
- *Alternative Recommendation*

Attachment(s):

- Bylaw Amendment No. 1195-19

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1195-19

A Bylaw to Amend Joe Rich Rural Land Use Bylaw 1195, 2007

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Joe Rich Rural Land Use Bylaw No. 1195 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. **This bylaw shall be cited as Joe Rich Rural Land Use Bylaw No. 1195-19.**
2. **That the Regional District of Central Okanagan Joe Rich Rural Land Use Bylaw No. 1195, 2007 is hereby AMENDED by the following and forms a part of this bylaw:**

2.1. **REMOVING** “Medical Marihuana Production Facilities” and **REPLACING** with “Cannabis Production Facility” throughout the bylaw.

2.2. **Amending SECTION 2, PART 3 – General Requirements**

2.2.1. SECTION 3.14 Prohibited Uses

1. By **ADDING** Subsection 4 “The following use is prohibited in all land use designations: *Cannabis Sales Facility.*”
2. By **ADDING** Subsection 5 “*Cannabis Production Facility* is prohibited on parcels within the Agricultural Land Reserve and/or any parcel that has any portion of land within the Agricultural Land Reserve unless the following growing requirements are achieved:
 1. in an open field;
 2. in a structure that has a soil base;
 3. in a structure that was either fully constructed or under construction, with required permits in place, prior to July 13, 2018; or
 4. in an existing operation licensed by the Federal Government.”

2.2. Amending **PART 15 – Definitions**

2.2.1. **REMOVING** the definition of ‘Medical Marihuana Production Facility’ in its entirety and, in appropriate alphabetical order, **REPLACING** it with “Cannabis Production Facility means a facility licensed by the Federal Government used solely for *cannabis production*. This use is prohibited in all land use designations except as explicitly permitted under the provisions in this Bylaw.”

2.2.2. In appropriate alphabetical order, **ADDING** the new definition: “Cannabis Production means the use of any land, building or structure for the growing, production, manufacturing, processing, packaging, storing, shipping and/or destroying of *cannabis*. Does not include *Cannabis Sales Facility.*”

2.2.3. In appropriate alphabetical order, **ADDING** the new definition: "Cannabis means as defined under the Cannabis Act, or subsequent regulations or acts which may be acted in substitution by the Federal Government."

2.2.4. In appropriate alphabetical order, **ADDING** the new definition: "Cannabis Sales Facility means premises used for the retail sale of *cannabis* and includes premises used for the service of providing referrals or facilitating access to *cannabis* not physically sold on the premises, but does not include sales by a pharmacist at a full-service pharmacy licenced under the Pharmacy Operations and Drug Scheduling Act. Does not include *Cannabis Production Facility*. This use is prohibited in all land use designations under the provisions in this Bylaw."

READ A FIRST TIME this 27th day of August 2018

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____ day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

Approved under the Transportation Act this _____ day of _____

Ministry of Transportation & Infrastructure

ADOPTED this _____ day of _____

Chairperson

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Joe Rich Rural Land Use Bylaw No. 1195-19 as read a third time by the Regional District of Central Okanagan

the _____ day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Joe Rich Rural Land Use Bylaw No. 1195-19 which was Adopted by the Regional District of Central Okanagan on the _____ day of

Dated at Kelowna, this _____ day of _____

Director of Corporate Services



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: October 1, 2018

SUBJECT: Text Amendments to Zoning Bylaw No. 871, 2000
(Z18/02) Zoning Amendment Bylaw No. 871-247
(Regional District of Central Okanagan – applicant)
Central Okanagan West and Central Okanagan East Electoral Areas

Voting Entitlement: *All Directors – Unweighted Corporate Vote - Simple Majority – Custom Vote*

Purpose: To amend regulations in Zoning Bylaw No. 871 to prohibit retail cannabis sales and regulate cannabis production on agricultural land.

Executive Summary:

In a proactive effort, the bylaw amendment seeks to prohibit the retail sale of cannabis prior to legalization by the Government of Canada on October 17, 2018. In addition, the amendment proposes to restrict how cannabis is produced on farm land. Member municipalities have either adopted bylaws or are in the process of considering bylaws which either regulate or prohibit cannabis sales and production. The proposal is in keeping with goals and policies of the Regional Growth Strategy and Official Community Plans.

It is anticipated that there will be a future review of regulations to consider permitting cannabis retail sales. Prior to that time, should there be interest in conducting the retail sale of cannabis, a site-specific land use application could be submitted for Regional Board consideration.

RECOMMENDATION:

THAT Zoning Amendment Bylaw No. 871-247 be given second and third readings;

AND FURTHER THAT final consideration be withheld pending RDCO staff receiving amendment bylaw approval from the Ministry of Transportation and Infrastructure.

Respectfully Submitted:

Todd Cashin
Director of Community Services

Approved for Board's Consideration

Brian Reardon, CAO

Prepared by: Janelle Taylor, Planner

Implications of Recommendation:

- Strategic Plan: Granting second and third readings to the amendment bylaw meets the 2015-2018 Strategic Priorities Plan, Strategic Priority #3: Nurture Responsible Growth and Development.
- Policy: Granting second and third readings to the amendment bylaw is in compliance with the goals and policies of:
- Regional Growth Strategy Bylaw No. 1336, and
 - Official Community Plans.
- Legal/Statutory Authority: Granting second and third readings to the amendment bylaw is in compliance with:
- Agricultural Land Reserve Use, Subdivision and Procedure Regulation,
 - *Local Government Act*, Section 479, and
 - *Transportation Act*, Section 52.
-

Background:

Zoning Bylaw No. 871-247 received first reading August 27, 2018. A Public Hearing was held on October 1, 2018.

The property is located within 800 metres of a Controlled Access Highway; therefore, MOTI approval of the amendment bylaw is required after 3rd reading pursuant to Section 52(3)a of the *Transportation Act*.

Considerations not applicable to this report:

- *Financial Considerations*
- *Organizational Issues*
- *External Implications*
- *Alternative Recommendation*

Attachment(s):

- Bylaw Amendment No. 871-247

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 871-247

A Bylaw to Amend Regional District of Central Okanagan Zoning Bylaw 871, 2000

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Zoning Bylaw No. 871 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. This bylaw shall be cited as Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-247.

2. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by the following and forms a part of this bylaw:

2.1. **REMOVING** “Medical Marihuana Production Facilities” and **REPLACING** with “Cannabis Production Facility” throughout the Bylaw.

2.2. Amending PART 3 – General Regulations

2.2.1. SECTION 3.13 Prohibited Uses

1. By **ADDING** Subsection 4 “The following use is prohibited in all zones: *Cannabis Sales Facility*.”
2. By **ADDING** Subsection 5 “*Cannabis Production Facility* is prohibited on parcels in the A1 Agricultural zone and/or within the Agricultural Land Reserve unless the following growing requirements are achieved:
 1. in an open field;
 2. in a structure that has a soil base;
 3. in a structure that was either fully constructed or under construction, with required permits in place, prior to July 13, 2018; or
 4. in an existing operation licensed by the Federal Government.”

2.2. Amending PART 15 – Definitions

2.2.1. **REMOVING** the definition of ‘Medical Marihuana Production Facility’ in its entirety and, in appropriate alphabetical order, **REPLACING** it with “Cannabis Production Facility means a facility licensed by the Federal Government used solely for *cannabis production*. This use is prohibited in all zones except as explicitly permitted under the provisions in this Bylaw.”

2.2.2. **AMENDING** Retail Stores, Convenience by

1. **REMOVING** “drug stores,”
2. **REMOVING** “pharmaceutical and”

2.2.3. **AMENDING** Retail Stores, General by

1. **REMOVING** “pharmaceutical,” **AFTER** “hardware”

2.2.4. In appropriate alphabetical order, **ADDING** the new definition: “Cannabis Production means the use of any land, building or structure for the growing, production, manufacturing, processing, packaging, storing, shipping and/or destroying of *cannabis*. Does not include *Cannabis Sales Facility*.”

2.2.5. In appropriate alphabetical order, **ADDING** the new definition: “Cannabis means as defined under the Cannabis Act, or subsequent regulations or acts which may be acted in substitution by the Federal Government.”

2.2.6. In appropriate alphabetical order, **ADDING** the new definition: “Cannabis Sales Facility means premises used for the retail sale of *cannabis* and includes premises used for the service of providing referrals or facilitating access to *cannabis* not physically sold on the premises, but does not include sales by a pharmacist at a full-service pharmacy licenced under the Pharmacy Operations and Drug Scheduling Act. Does not include *Cannabis Production Facility*. This use is prohibited in all zones under the provisions in this Bylaw.”

READ A FIRST TIME this 27th day of August 2018

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____ day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

Approved under the Transportation Act this _____ day of _____

Ministry of Transportation & Infrastructure

ADOPTED this _____ day of _____

Chairperson

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-247 as read a third time by the Regional District of Central Okanagan the _____ day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-247 which was Adopted by the Regional District of Central Okanagan on the _____ day of

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

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Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: October 1, 2018

SUBJECT: Text Amendments to Zoning Bylaw No. 871, 2000
(Z18/04) Zoning Amendment Bylaw No. 871-249
(Regional District of Central Okanagan – applicant)
Central Okanagan West and Central Okanagan East Electoral Areas

Voting Entitlement: *All Directors – Unweighted Corporate Vote, Simple Majority – Custom Vote*

Purpose: To amend regulations in Zoning Bylaw No. 871 to minimize the likelihood that short term accommodations will be utilized for permanent residential use.

Executive Summary:

Full-time residential use of short term accommodations has been identified as a concern throughout the Regional District. For Electoral Areas, developments which have been approved to permit short term occupancy have limited services and are intended to be used for recreational purposes. Utilizing short term accommodations for full time residential use may have impacts to services in a negative way, is not in keeping with the goals and policies of the Regional Growth Strategy and Official Community Plans, or in line with Okanagan Basin Water Board's 1.0 Hectare Policy.

As such, RDCO is moving forward with a number of actions to reduce the likelihood of unlawful use of short term accommodations as permanent, full time residences.

RECOMMENDATION:

THAT Zoning Amendment Bylaw No. 871-249 be given second and third readings;

AND THAT final consideration be withheld pending RDCO staff receiving amendment bylaw approval from the Ministry of Transportation and Infrastructure.

Respectfully Submitted:


Todd Cashin
Director of Community Services

Approved for Board's Consideration


Brian Reardon, CAO

Prepared by Janelle Taylor, Planner

Implications of Recommendation:

Strategic Plan:	Granting second and third readings to the amendment bylaw meets the 2015-2018 Strategic Priorities Plan, Strategic Priority #3: Nurture Responsible Growth and Development.
Policy:	Granting second and third readings to the amendment bylaw is in compliance with the goals and policies of: <ul style="list-style-type: none">• Regional Growth Strategy Bylaw No. 1336,• Official Community Plans, and• Okanagan Basin Water Board's 1.0 Hectare Policy.
Legal/Statutory Authority:	Granting second and third readings to the amendment bylaw is in compliance with: <ul style="list-style-type: none">• <i>Local Government Act</i>, Section 479, and• <i>Transportation Act</i>, Section 52.

Background:

Zoning Bylaw No. 871-249 received first reading August 27, 2018. A Public Hearing was held on October 1, 2018.

The property is located within 800 metres of a Controlled Access Highway; therefore, MOTI approval of the amendment bylaw is required after 3rd reading pursuant to Section 52(3)a of the *Transportation Act*.

Considerations not applicable to this report:

- *Financial Considerations*
- *Organizational Issues*
- *External Implications*
- *Alternative Recommendation*

Attachment(s):

- Bylaw Amendment No. 871-249

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 871-249

A Bylaw to Amend Regional District of Central Okanagan Zoning Bylaw 871, 2000

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Zoning Bylaw No. 871 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. This bylaw shall be cited as Regional District of Central Okanagan Zoning Amendment Bylaw No. 871-249.

2. That the Regional District of Central Okanagan Zoning Bylaw No. 871, 2000 is hereby AMENDED by the following and forms a part of this bylaw:

2.1. Amending PART 3 – General Regulations

2.1.1. SECTION 3.13 Prohibited Uses

1. Subsection 1.b by **ADDING** “park model trailer,” **BEFORE** “recreational or other vehicles”
2. Subsection 2.a by **ADDING** “or a park model trailer” **AFTER** “recreational vehicle”.
3. Subsection 3 by **ADDING** “or park model trailers” **AFTER** “recreational vehicles”.

2.1.2. SECTION 3.14 Prohibited Vehicles and Equipment

1. Subsection 1 by **ADDING** “park model trailer,” **AFTER** “recreational vehicles,”.
2. Subsection 2 by **ADDING** “park model trailer,” **AFTER** “recreational vehicle,”.
3. Subsection 5. c by **ADDING** “or park model trailers” **AFTER** “recreational vehicles,”.
4. Subsection 6. c by **ADDING** “or park model trailers” **AFTER** “recreational vehicles,”.
5. Subsection 7. b by **ADDING** “or park model trailers” **AFTER** “recreational vehicles,”.

2.2. Amending PART 11 – Commercial Land Uses

2.2.1. SECTION 11.8 Wilderness Resort Commercial

1. **ADDING** Subsection 11.8.1.3 “On Lots 5, 6, & 7, Plan KAP81460, District Lot 1380, ODYD the following uses are not permitted: Tourist Cabins; Tourist Lodges; Motel; and Retail Stores, convenience.”

2.2. Amending PART 15 – Definitions

- 2.2.1. **AMENDING** Building by **ADDING** “or park model trailer.” **AFTER** “recreational vehicle”.
- 2.2.2. **AMENDING** Dwelling Unit by **ADDING** “or park model trailer” **AFTER** “recreational vehicle”.
- 2.2.3. **AMENDING** Licensed by **ADDING** “park model trailers,” **AFTER** “recreational vehicles,”.

- 2.2.4. **ADDING** the new definition **AFTER** Parcel Line, Rear and Figure 15.3 and **BEFORE** Parking Space: "Park Model Trailer means a trailer-type vehicle designed to facilitate relocation from time to time and intended to provide accommodation. Conforms to the CSA Z241 certified standard."
- 2.2.5. Recreational Vehicle by **ADDING** "Does not include park model trailer." **AFTER** "and tent trailers."
- 2.2.6. **AMENDING** Tourist Campsites by **ADDING** "Park model trailers not permitted." **AFTER** "tenting grounds."
- 2.2.7. **AMENDING** Tourist Campsite Spaces by **ADDING** "Park model trailers not permitted." **AFTER** "less than one month."

READ A FIRST TIME this _____ day of _____

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____ day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

Approved under the Transportation Act this _____ day of _____

Ministry of Transportation & Infrastructure

ADOPTED this _____ day of _____

Chairperson

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-249 as read a third time by the Regional District of Central Okanagan the _____ day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Zoning Bylaw No. 871-249 which was Adopted by the Regional District of Central Okanagan on the _____ day of

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

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