



# REGIONAL DISTRICT OF CENTRAL KOOTENAY

## Board Report

**Date of Report:** September 6, 2019  
**Date & Type of Meeting:** September 19, 2019 Open Regular Board Meeting  
**Author:** Meeri Durand, Senior Project Planner  
**Subject:** LAND USE AMENDMENT Z1901G-BLOCK(2)  
**File:** 4600-20-Z1901G-BLOCK

### SECTION 1: EXECUTIVE SUMMARY

This application is part of a larger Block Amendment process initiated in Electoral Area G in January 2019. The original Block Amendment included nine properties, of which four were pulled from further consideration, and another three are being considered concurrently for adoption following Provincial approval under the *Transportation Act*.

The purpose of this report is to consider land use amendments to the *Electoral Area 'G' Land Use Bylaw No. 2452, 2018* under a Block Land Use Amendment for two properties. If successful, the proposed land use amendments would authorize the following amendments to the OCP and Zoning designation for the following:

915 Rosebud Lake Road

- **OCP Designation:** From Remote Residential (RR) to Agriculture (AG) for a 8 ha portion of the subject property
- **Zoning Designation:** From Remote Residential (R4) to Agriculture (AG) for a 8 ha portion of the subject property

204 Wesco Road

- **OCP Designation:** From Country Residential (CR) to Rural Residential (RR)
- **Zoning Designation:** From Country Residential (R2) to Rural Residential (R3)

Staff recommendation is to consider adoption of the proposal at 915 Rosebud Lake Road. It is not recommended that the Board move forward with further consideration of the proposal at 204 Wesco Road due to community concerns and the potential precedent set for such facilities in areas where community impact would be difficult to mitigate.

### SECTION 2: BACKGROUND / ANALYSIS

| GENERAL INFORMATION                           |  |   |
|---|--|---|
| APPLICANT                                     | LOCATION , SIZE AND LEGAL DESCRIPTION  | PROPOSED AMENDMENT  |
| Penny Baumet, Che LeBlanc and Jeremy Hrdlicka | 915 Rosebud Lake Road<br>(8 ha portion of 52.4 ha property)<br>District Lot 9764 Kootenay Land District<br>Plan NEP62347 (PID 008-291-128) | From: Remote Residential (R4)<br>To: 8 ha portion to Agriculture (AG) |

|             |  |  |
|-------------|--|--|
| Ryan Fields | 204 Wesco Road<br>(1.05 ha)<br>Lot A District Lot 1242 Kootenay Land<br>District EPP68606 (PID030-232-295) | From: Country Residential (R2)<br>To: Rural Residential (R3) |
|-------------|--|--|

Both proposals are for the purposes of Health Canada licensing for cannabis. Additional properties were also participants in this Block Amendment but have moved forward under a separate Bylaw Amendment which was given Third Reading in August and will be considered concurrently for adoption following Provincial approval under the *Transportation Act*. The two properties that are subject of this report received considerable community feedback which triggered a second referral period and the requirements for a second Public Hearing which was held on September 5, 2019.

### 915 Rosebud Lake Road

The proposal involves Health Canada licencing for a cannabis nursery and standard cultivation and processing facility. The development proposal includes a cement based nursery and standard cultivation in soil based greenhouses and outdoors. The proposed amendment involves an 8 hectare portion of the 52.4 hectare property. The property is off grid and will be provided independent water and energy supply from on site. Access to the property will be from Rosebud Lake Road and it is anticipated that staffing will range from 4 to 30 full-time and part-time employees at final build out. Daily road trips are anticipated to be highest between the months of August to November in relation to seasonal workers. Some staffing will be accommodated for on-site.

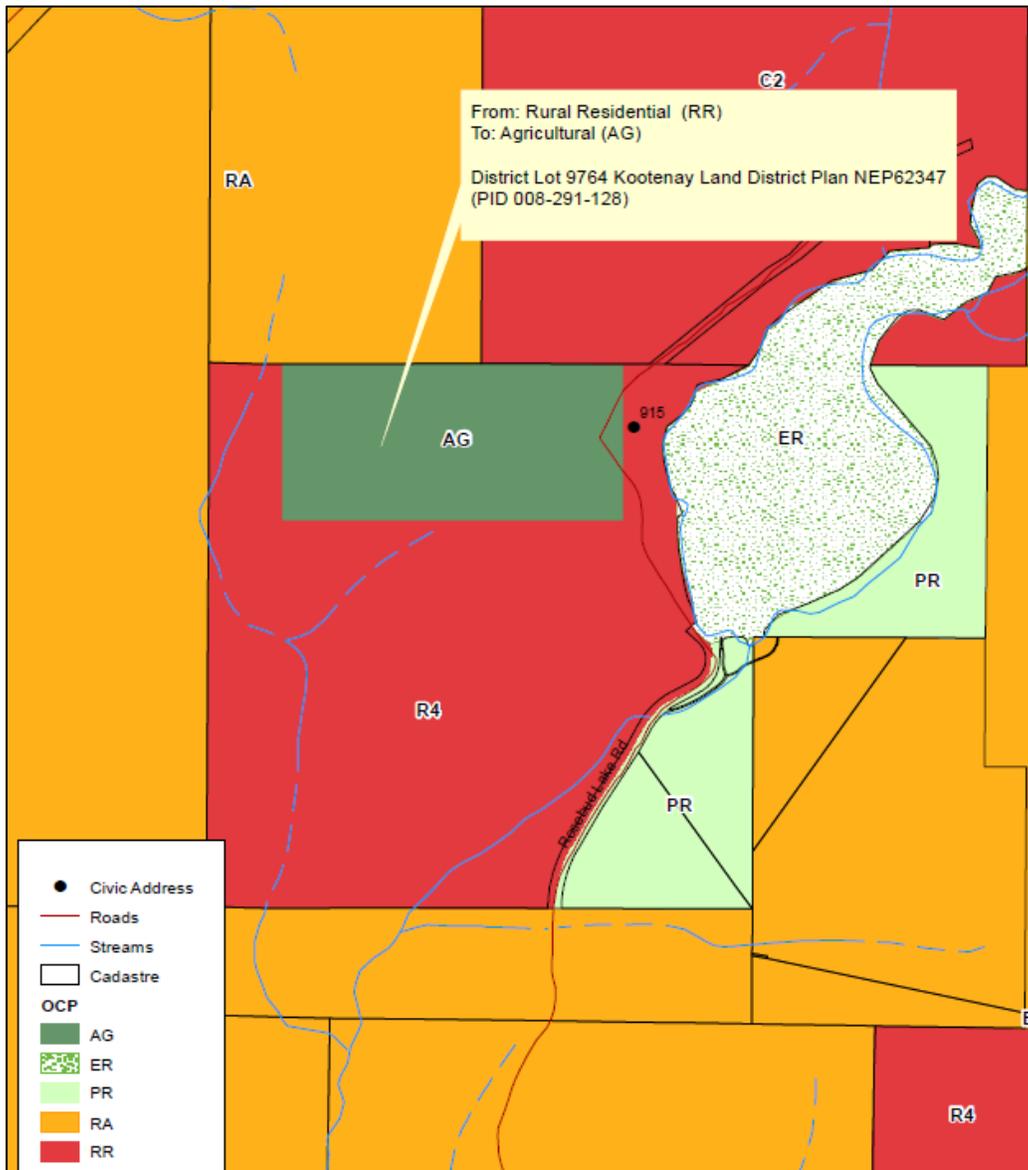
The request included a site specific variance to the allowable 250 square meter footprint to allow for the nursery and soil based greenhouses to a maximum of 967 square meters. The request for a variance to the allowable footprint for a cannabis facility is not needed until phase two of the project proposal and the applicants will be asked to make a separate application if the land use amendment is successful.

Facilities are proposed for an area of the property that is distanced from Rosebud Lake and adjacent property owners and will be producing energy on site through a combination of solar, bio-solids and micro-hydro. The site is considered remote and is at least 1.5 km from the nearest neighbor. Impacts to water supply and energy supply are considered minimal. The applicants are intending to utilize water use reduction techniques and soil conservation techniques to showcase permaculture and regenerative cultivation methods. The project is being pursued in three phases: nursery production in phase 1, outdoor standard cultivation in phase 2, and soil based greenhouses in phase 3. The Ministry of Transportation and Infrastructure will require an access permit as part of the approval process. No other considerations have been forwarded by external agencies.

Concerns raised by community members during the referral period and subsequent public hearing were generally associated with concerns over increased traffic volume on Rosebud Lake Road and by recreational users wishing to have continued access to informal recreational infrastructure located on the private property. Portions of the private property have been used for a number of years by equestrians and for informal camping adjacent to Rosebud Lake. Improvements include several camping sites along the foreshore and some trails. Two outhouses were placed on the property but not completed in full.

The applicants have discussed these issues with community members and have expressed a willingness to work with the Regional District to transition recreational use to areas within and adjacent to the Regional

Park where it can be better managed. The applicants have requested to meet with the Recreation Commission to discuss what options are available. Park staff have confirmed that regional park infrastructure was recently surveyed and determined to be accommodated within the road right of way and park boundaries and not impacted by the project proposal.



Traffic volume on Rosebud Lake Road is already a concern over the summer months due to the number of recreational users of the area. The community has committed to working together to voluntarily install traffic calming measures such as signage in collaboration with Ministry of Transportation and Infrastructure staff. This was discussed at the Public Hearing. An increased presence on the property may deter some of the activity that is currently taking place with regard to speeding and misuse of the private lands by recreational users. Staff have discussed the status of the private road allowance with Ministry of Transportation staff. It has been indicated that the road is maintained and a portion would be eligible for section 42 dedication through future subdivision of the parcel. The applicant has met with Ministry of

Transportation staff as to options for consideration as there is potential for future subdivision of the property closer to the road allowance. It is anticipated that road dedication will be resolved through the commercial access permit process and future subdivision proposed for the southern portion of the property.

The proposal has received two letters of support during the referral period and another five verbal submissions in support of the proposal were made at the Public Hearing. Eight community members were in attendance.

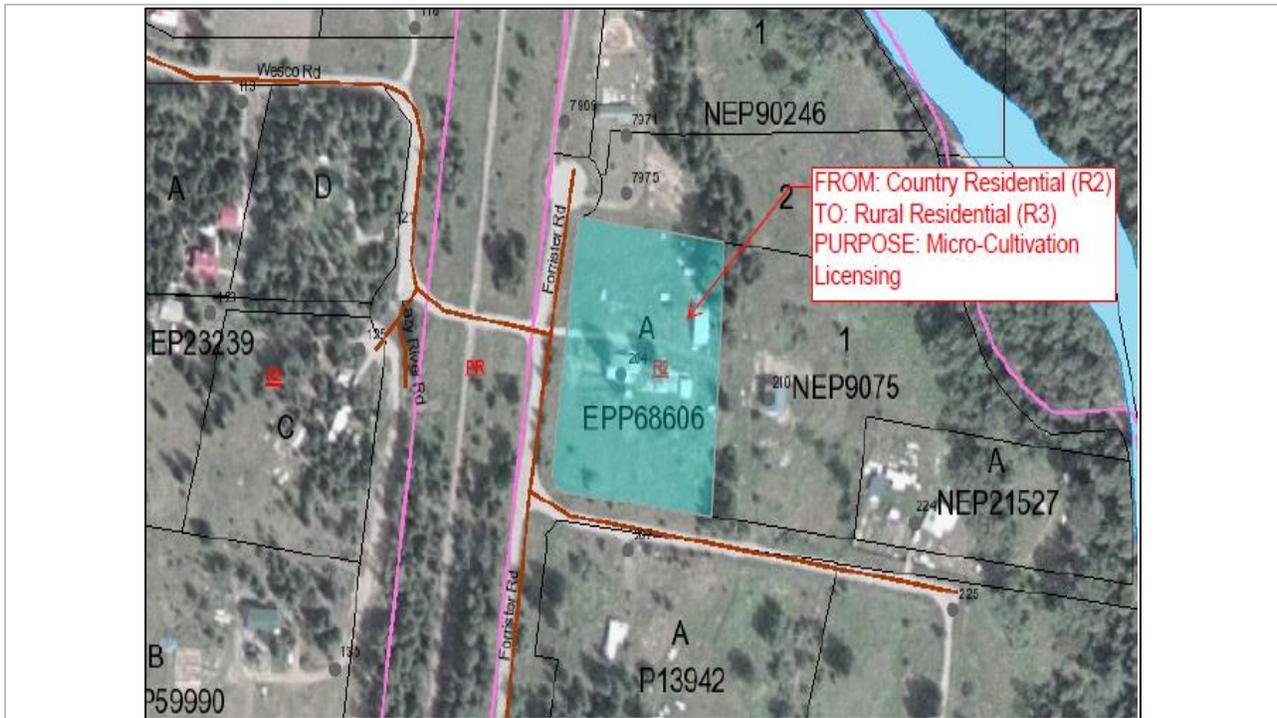
#### **204 Wesco Road**

The proposal involves Health Canada licencing for a cannabis micro cultivation facility. The project proposal includes a two story micro-cultivation facility of approximately 418 square meters within the permitted 250 square meter building footprint. The subject property at just over 1 hectare is smaller than the recommended site area for Rural Residential zoning which is 2 hectares.

This proposal was first sent on referral in April 2019. Concerns raised by the community at that time included: traffic and road safety, road maintenance, wastewater disposal, security and lighting impacts, facility design and site design. Opportunity was provided to the proponent to respond to community concerns by providing greater detail as to their proposal. A second referral was sent in June 2019 with the requested information. The proposal is anticipated to employ two full-time and three part-time workers. Employees of the facility will be local. The applicant is working with Micron Waste Management on a waste water system that reclaims 90% of the water used and filters the remainder prior to disposal. The site design is proposed to meet Health Canada specifications and will be similar in scale to other small industrial buildings. Security lighting will be motion activated reducing the potential for light pollution.

The proponents for Wesco Road have expressed a willingness to discuss facility design and siting with community members to reduce nuisance and impact. However staff remain concerned that the smaller lot size will make it difficult to mitigate community concerns in full and that the intent of the cannabis regulations within the RDCK was to enable transition of the industry to properties that were peripheral to higher density residential development where nuisance impacts from noise, lighting and odor could be accommodated through siting and screening of developments. The majority of micro cultivation proposals that have been forwarded to the RDCK since enactment of the Cannabis Act have been on properties that exceed the recommended 2 hectare minimum site area.

The proposal received nine letters of opposition during the initial referral period. Some of the concerns raised by community members were addressed by the applicant during a second referral period in which no further comments were received by community members. Two verbal submissions of support were made at the Public Hearing. Nine members of the community were in attendance.



Staff recommendation is to consider adoption of one of the proposed amendments. It is not recommended that the Board move forward with further consideration of the proposal at 204 Wesco Road due to community concerns and the potential precedent set for such facilities in areas where community impact would be difficult to mitigate.

**SECTION 3: DETAILED ANALYSIS**

**a. Financial Considerations – Cost and Resource Allocations:**

|  |  |
|--|--|
| <b>Included in Financial Plan:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <b>Financial Plan Amendment:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO     |
| <b>Debt Bylaw Required:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO        | <b>Public/Gov’t Approvals req’d:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

The Block Amendment is being undertaken by the RDCK to resolve unresolved requests from the Area G Land Use Bylaw review process that concluded in September 2018.

**b. Legislative Considerations (Applicable Policies and/or Bylaws):**

The proposed land use amendments were subject to a Public Hearing held on September 5, 2019 in accordance with Section 464 of the *Local Government Act*.

**c. Environmental Considerations:**

Cannabis cultivation can have several environmental consequences associated with increased energy needs, water consumption and in association with waste water disposal. The two proposals being recommended to move forward have been working with qualified professionals on facility design to minimize water and energy use and reduce the impact of waste water on groundwater resources.

**d. Social Considerations:**

Potential impacts to the use and enjoyment of land for neighbouring property must be considered. Notification of the proposal was distributed by mail to adjacent property owners of both properties. Initial

concerns raised by adjacent property owners were addressed by both proponents, however there is concern that some of the community impacts related to the proposal on Wesco Road will not be able to be addressed in full due to the siting of the property and proximity to adjacent residences.

**e. Economic Considerations:**

There is the potential for the creation of local employment opportunities with both proposals. The proposal in Rosebud Lake may create up to 4 full-time and 30 part-time positions in the area during its many phases of development. The proposal on Wesco Road will create 2 full-time and 3 part-time positions. Many of these positions will be filled by locals already involved in the industry.

**f. Communication Considerations:**

Notice of Public Hearing in accordance with Section 464 of the *Local Government Act* was sent to adjacent property owners for each property.

**g. Staffing/Departmental Work Plan Considerations:**

This application falls under the operational role of Planning Services.

**h. Board Strategic Plan/Priorities Considerations:**

This application falls under the operational role of Planning Services.

**SECTION 4: OPTIONS & PROS / CONS**

**Option 1:**

THAT *Regional District of Central Kootenay Bylaw No. 2684, 2019* being a bylaw to amend the *Electoral Area G Land Use Bylaw No. 2452, 2018* is hereby given SECOND READING as amended;

THAT *Regional District of Central Kootenay Bylaw No. 2684, 2019* being a bylaw to amend the *Electoral Area G Land Use Bylaw No. 2452, 2018* is hereby given THIRD READING;

THAT *Regional District of Central Kootenay Bylaw No. 2684, 2019* being a bylaw to amend the *Electoral Area G Land Use Bylaw No. 2452, 2018* is hereby ADOPTED;

AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

**Pro**

This option would allow the applicant on Rosebud Lake Road to pursue Health Canada licencing, while the proposal for Wesco Road would need to seek an alternative site for their proposal. This would reflect responsiveness to community opposition as was raised during the referral period. There is always the potential for nuisance associated with cannabis facilities. These can often be mitigated through good production practices, but that it highly reliant on applicants meeting those standards.

**Con**

Health Canada closely monitors facilities as to adherence to good production practices and is receptive to community compliant. It is recognized that the siting of the proposal moving forward is in an area where nuisance to the community can be mitigated. Not moving forward with consideration of the proposal on Wesco Road will require the applicant to seek a more appropriate location for their proposal. This will increase the costs associated with application to Health Canada for the proponent but will align with the

intent of the RDCKs approach to the transitioning the industry in a manner that balances the needs of the industry with those of the community.

**Option 2:**

THAT no further action be taken with respect to the *Regional District of Central Kootenay Bylaw No. 2672, 2019* being a bylaw to amend the *Electoral Area G Land Use Bylaw No. 2452, 2018*.

**Pro**

Regional District land use regulations will not change.

**Con**

This option has no benefit to the applicants pursuing land use amendments. The proponents will not be able to pursue licencing with Health Canada.

**SECTION 5: RECOMMENDATION(S)**

THAT *Regional District of Central Kootenay Bylaw No. 2684, 2019* being a bylaw to amend the *Electoral Area G Land Use Bylaw No. 2452, 2018* is hereby given SECOND READING as amended;

THAT *Regional District of Central Kootenay Bylaw No. 2684, 2019* being a bylaw to amend the *Electoral Area G Land Use Bylaw No. 2452, 2018* is hereby given THIRD READING;

THAT *Regional District of Central Kootenay Bylaw No. 2684, 2019* being a bylaw to amend the *Electoral Area G Land Use Bylaw No. 2452, 2018* is hereby ADOPTED;

AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

Respectfully submitted,



Meeri Durand, Senior Project Planner

**CONCURRENCE**

**Initials:**

Planning Manager  
General Manager of Development Services  
Chief Administrative Officer

**ATTACHMENTS:**

**Attachment A – Proposed Bylaw Amendment 2684**

**Attachment B – Public Hearing Minutes dated September 5, 2019**

**Attachment C – Referral Period Submissions**