

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: March 3, 2022
RE: Development Variance Permit Application — Electoral Area “C” (C2021.060-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. C2021.060-DVP, to allow for an indoor cannabis research nursery at 7621 Highway 97, be approved.

Legal: Lot 23, District Lot 2450S, SDYD, Plan 1729 Folio: C-05242.000

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Variance Requests: to vary the requirement that a structure to be used in relation to the synthesizing, altering, and propagating of cannabis have a base consisting entirely of soil.

Proposed Development:

This application is seeking a variance to a requirement that a structure to be used for synthesizing, altering, and propagating cannabis have a soil base in order to place an approximately 67 m² modular building on a temporary foundation. The modular building is proposed to be used as an indoor cannabis research nursery.

Specifically, it is being proposed to vary Section 7.4.4 of the Electoral Area “C” Zoning Bylaw which requires that a structure to be used for synthesizing, altering, and propagating cannabis have a soil base.

In support of this request, the applicant has stated that “the modular buildings used would not impact the land or soil, with their small footprint, place on cribbing blocks. They will have no effluent runoff or outflow, the buildings would have no negative long term effects on the land.”

The applicant further stated that “as a new emerging industry, not all needed provisions necessary to run a cannabis nursery have been allowed in the bylaws, allowances are necessary to facilitate cannabis breeders/nurseries”.

Site Context:

The subject property is approximately 4.7 ha in area and is situated on the east side of Highway 97. The property is understood to contain an existing residence and an approximately 7.4 m² shed on skids.

The surrounding pattern of development is generally characterised by rural residential and agricultural uses.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on March 11, 1921, while available Regional District records indicate that building permits were issued for a carport (1976) and the placement of a utility container (2018).

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG), and is the subject of a Watercourse Development Permit (WDP) Area designations. The proposed location of the modular building is outside of the WDP Area on the property.

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is currently zoned Agriculture One (AG1) which allows for “agriculture, subject to Section 7.23”.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Park Rill Creek.

The property is within the Agricultural Land Reserve (ALR) and has been classified as “Residential” (Class 01) by BC Assessment.

In February 2019, the Agricultural Land Reserve (ALR) Use Regulation was created which included changes related to the use of ALR land for cannabis production. More specifically, under the ALR Use Regulation, all forms of cannabis production are considered to be a “farm use”.

Section 8(b) of the ALR Use Regulation states that: “the use of agricultural land for producing cannabis lawfully may not be prohibited [by a local government enactment] if the cannabis is produced...inside a structure that, subject to subsection (2), has a base consisting entirely of soil”.

Board Consideration:

At its meeting of February 3, 2022, the Regional District Board resolved to defer consideration of this application and refer it to the Electoral Area “C” Advisory Planning Commission (APC).

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on January 27, 2022. All comments received are included as a separate item on the Board’s Agenda.

At its meeting of February 15, 2022, the Electoral Area “C” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved.

Analysis:

The proposed size of the cannabis research nursery is to be a modular building placed on temporary cribbing blocks which will minimize any permanent damage or alienation of agricultural land.

Further, given the relatively small size of the proposed building (~67 m²), its impact on the potential agricultural production of the property will be negligible and will not result in the establishment of a large research facility/office on agricultural land.

The applicant has also confirmed that the modular building “would not be used for commercial cannabis flower cultivation, but be used as a research laboratory where they would test, store and create new medical cannabis genetics for medical patients through cloning and tissue culture and

research partnerships. It is not proposed to cultivate any commercial cannabis flower inside of any building on the property. All commercial cultivation of cannabis flower would take place outdoors on the property as per the Districts Bylaws.” The requirement for a dirt floor is not seen to be compatible with this type of operation.

Conversely, other options are seen to be available to the applicant, such as locating the research facility in an industrially zoned area, such as the Senkulmen Business Park operated by the Osoyoos Indian Band, which is located 2km to the north-east of the subject property.

Alternatives:

1. THAT Development Variance Permit No. C2021.060-DVP, to allow for an indoor cannabis research nursery at 7621 Highway 97, be denied; OR
2. That the Board defer consideration of Development Variance Permit No. C2021.060-DVP pending the following:
 - a) *TBD*

Respectfully submitted



C. Garrish, Planning Manager

Attachments: No. 1 – Site Aerial

No. 2 – Site Photo (Google Streetview - 2018)

Attachment No. 2 – Site Photo (Google Streetview - 2018)

