

REPORT TO COUNCIL



Date: April 9, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DVP18-0202

Owner: Northok Properties Inc., Inc.
No. BC1172950

Address: 230 Carion Road

Applicant: Valens Agritech Ltd.

Subject: Development Variance Permit

Existing OCP Designation: IND - Industrial

Existing Zone: I3 – Heavy Industrial

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP18-0202 for Lot 5 Section 2 Township 20 ODYD Plan KAP57943, located at 230 Carion Road, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the fence height for an Industrial property from 2.4 m maximum to 3.66 m proposed and to allow razor wire for a facility not associated with penitentiaries, jails or places of incarceration.

3.0 Community Planning

Community Planning Staff do not support the requested variances to allow a Cannabis Production Facility to increase the maximum fence height from 2.4 m maximum to 3.66 m proposed and to allow razor wire for a site that is not associated with penitentiaries, jails or places of incarceration.

4.0 Proposal

4.1 Background

The existing industrial building was constructed in 2004 with an addition and renovation occurring in 2017. The renovation included interior building modifications for Health Canada's Access to Cannabis for Medical Purposes Regulations (ACMPR).

4.2 Project Description

With the legalization of cannabis in 2018, Kelowna is now seeing a number of applications for Cannabis Production Facilities. Health Canada has regulations regarding product security and site/perimeter security. This is the first application to request these types of variances as a means to achieve the perimeter security requirements. The applicant's proposal is intended to meet Health Canada's minimum security site plan requirement: the perimeter of the site must be surrounded by a physical barrier that prevents unauthorized access.

The applicant is seeking variances to increase the maximum fence height and to allow the use of razor wire as a fence topper for a cannabis production facility. Fencing and Retaining Wall regulations are contained within Section 7 of the Zoning Bylaw No. 8000, which has a standard allowable fence height of 2.4 m (7'-10") for sites zoned as Commercial, Public, Institutional or Industrial.

The first variance requested is to increase the allowable fence height from 2.4 m (7'-10") maximum to 3.66 m (12'-0") proposed. Fence height within residential zones is limited to 2.0 m in height. The increase in height for Commercial, Public, Institutional or Industrial sites is to allow for both screening to surrounding properties and additional security for the subject parcel. Increasing the height by an additional 1.26 m would be well beyond what Staff and Council have been supportive of in the past.

The second variance is to allow the use of razor wire as a fence topper. The Zoning Bylaw has restrictions for the use of barbed wire fencing for either livestock enclosures or where the use is for detention and correctional services. The Zoning Bylaw is very specific in the allowance of razor wire fences only for the purposes of penitentiaries, jails or places of incarceration. Allowing its use outside of these purposes, while a natural visual deterrent, can be viewed as inhumane, as it is intended to rip and cling to both clothing and flesh.

Staff is not supportive of the requested variances and believe effective site/perimeter security can be achieved without the use of razor wire fencing, which to date, is limited only to penitentiaries, jails or places of incarceration.

4.3 Site Context

The double-fronting property has street frontages facing both Beaver Lake Rd and Carion Rd. The property is within Kelowna's north end industrial area. The site is surrounded by General Industrial uses, WFN lands to the west and Lake Country agricultural land to the north.

Subject Property Map: 230 Carion Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	SECTION 7 – LANDSCAPE AND SCREENING REQUIREMENTS	PROPOSAL
Fences and Retaining Walls		
Maximum fence height for Industrial	2.4 m	3.66 m ❶
Razor Wire Fence	Allowed only where associated with penitentiaries, jails or places of incarceration.	To allow razor wire for a cannabis production facility ❷
❶ Indicates a requested variance to increase the height of a fence from 2.44 m maximum to 366 m proposed. ❷ Indicates a requested variance to allow razor wire for a site not associated with penitentiaries, jails or places of incarceration to allow razor wire at a cannabis production facility.		

5.0 Application Chronology

Date of Application Received: November 19, 2018

Date Public Consultation Completed: February 14, 2019

6.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0202 for Lot 5 Section 2 Township 20 ODYD Plan KAP57943, located at 230 Carion Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 7.5.4: Landscaping and Screening – Fencing and Retaining Walls

To vary the maximum fence height in a Commercial, Public and Institutional or Industrial Zone from 2.4 m permitted to 3.66 m proposed;

Section 7.5.7: Landscaping and Screening - Fencing and Retaining Walls

To vary the requirement of no razor wire fences allowed in any zone except where associated with penitentiaries, jails or places of incarceration.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Dean Strachan, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A: Project Rationale

Draft Development Variance Permit: DVP18-0202