

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: May 6, 2021

RE: Liquor and Cannabis Regulation Branch Referral – Electoral Area “D”
Cannabis Retail Store

Administrative Recommendation:

THAT the Regional District of Okanagan Similkameen, in accordance with Section 33(1) of the *Cannabis Control and Licencing Act*, support the application from ERBN Green Cannabis Company Inc. for a proposed non-medical retail cannabis location at 936-946 Main Street, Okanagan Falls (Lot 15, Block 17, Plan KAP4, District Lot 374, SDYD) licence with operating hours from 9:00 am to 11:00 pm seven days a week;

AND THAT the following comments be provided to the Liquor and Cannabis Regulation Branch:

- a) the subject property is located in the Okanagan Falls Town Centre Transition (C4) Zone and the use is permitted in this zone;
 - b) no significant negative impact on the community is anticipated if this application is approved;
 - c) the Regional District provided the following opportunities for residents to submit their views, in writing, on this Cannabis Retail Store licence application:
 - i) publication in the Penticton Western News on March 31, 2021 and April 7, 2021;
 - ii) publication in Castanet.net from March 30, 2021 to April 14, 2021;
 - iii) posting on the Regional District’s web site from March 26, 2021 and social media accounts on April 22 and 23, 2021;
 - iv) mailed notification to owners and tenants within 100 metres of the subject parcel on March 26, 2021;
 - v) placement of a notification sign on the subject property from March 15, 2021, until the Board considered the application on May 6, 2021; and
 - vi) consideration by the Electoral Area “D” Advisory Planning Commission (APC) at its meeting of April 13, 2021.
 - d) The views of residents were considered by the RDOS Board at its meeting of May 6, 2021.
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Purpose: To obtain a Cannabis Retail Store licence from the province.

Owners: ERBN Green Cannabis Company Inc. Agent: Vanitaa Yaadav Folio: D-00779.000

Legal: Lot 15, Block 17, Plan KAP4, District Lot 374, SDYD Civic: 936 & 946 Main Street

OCP: Commercial (C) Zone: Okanagan Falls Town Centre Transition (C4)

Proposed Development:

The applicant is seeking approval from the Liquor and Cannabis Regulation Branch (LCRB) to operate a cannabis retail store at the subject property in an existing commercial building.

Statutory Requirements:

Under Section 33(1) of the *Cannabis Control and Licencing Act*, the LCRB is prevented from issuing a license for a Cannabis Retail Store (CRS) unless the local government “for the area in which the establishment is proposed to be located or is located gives the [LCRB] a recommendation that the licence be issued or amended.”

In providing a recommendation on a CRS to the LCRB, a local government must “gather the views of residents ... by one or more of the following methods”:

- a) *by receiving written comments in response to a public notice of the application;*
- b) *by conducting a public hearing in respect of the application;*
- c) *by holding a referendum;*
- d) *by using another method the local government ... considers appropriate.*

Site Context:

The subject property is approximately 581 m² in area and is situated on the west side of Main Street in Okanagan Falls. It is understood that the parcel is comprised of a mixed use commercial building.

The surrounding pattern of development is generally characterised by a mix of commercial and residential uses.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office on October 13, 1983, while available Regional District records indicate that a building permit for alterations to a commercial building (2018, 2106, 2004) have previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Commercial (C), and is situated within the Okanagan Falls Commercial Development Permit Area. Retail uses are generally supported on lands designated Commercial in Okanagan Falls (Section 13.6.1) and for smaller-scale, neighbourhood-serving commercial activities for General Commercial (Section 13.3.1).

Further policies support economic development activities within this commercial area that are consistent with the Okanagan Falls Economic Development Action Plan (2012) (Section 13.6.2).

The 2020 Okanagan Falls Economic Development and Recovery Plan has since been completed, building upon previous plans, and seeks to create an attractive community for young families, support local businesses, build Okanagan Falls as a tourism destination and revitalize downtown, among other goals.

This Plan identified the vibrancy of downtown Okanagan Falls as a concern and identified that community perceptions of quality of life have declined, including the community's perception of Okanagan Falls as a place to retire and to raise a family.

Under the Electoral Area "D" Zoning Bylaw No. 2455, 2008 the property is currently zoned Okanagan Falls Town Centre Transition (C4) which allows for general retail stores.

BC Assessment has classified the property as "Business and Other" (06).

Public Process:

Public consultation, in accordance with Schedule 9 of the Regional District's *Development Procedures Bylaw No. 2500, 2011*, included a 28-day period for written comments to be received. Based upon feedback received as part of this process, the Board may decide that additional consultation is required and direct that a public hearing be scheduled.

At its meeting of April 13, 2021, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be "tabled until the RDOS look at the average of what is being used in our communities around Okanagan Falls as criterias, and these criterias are brought to a public hearing to get everybody's input so a final decision can be made to be bring these criterias back to the APC and APC making a final decision on the application".

All comments received to date in relation to this application are included as a separate item on the Board agenda.

Analysis:

In considering this proposal, Administration notes that a cannabis retail store is a permitted use in the Okanagan Falls Town Centre Transition (C4) zone, as cannabis retail is considered a retail use.

As the cannabis retail store is to be contained within an existing commercial building, there are no further zoning considerations for this proposal.

In favour of the application, the applicant is seeking to invest in the community and an additional store of any kind contributes to the commercial base in Okanagan Falls.

Further, this store location is in the designated commercial area of Okanagan Falls, and within a primary growth area, where growth is directed.

There are no distancing requirements for cannabis retail stores to parks, schools, residences or any other type of land use, which the Board resolved not to pursue when establishing the regulatory framework of cannabis retail.

Conversely, it is acknowledged that some members of the community may not view an additional cannabis retail store as positive growth in Okanagan Falls.

In summary, Administration supports the proposed cannabis retail store in principal, while acknowledging that further public consultation in the form of a public hearing may be appropriate, should public consultation reveal strong opposition to the proposed location.

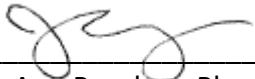
Alternatives:

1. THAT the RDOS Board of Directors recommends that the subject development application be deferred to allow for additional consultation in the form of a public hearing;
AND THAT the holding of the public hearing be delegated to Director Obirek, or their delegate;
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Obirek;
AND THAT staff give notice of the public hearing in accordance with the requirements of the Regional District's *Development Procedures Bylaw No. 2500, 2011*.
2. THAT the RDOS Board, in accordance with Section 33(1) of the *Cannabis Control and Licencing Act*, recommends denial of an application from ERBN Green Cannabis Company Inc. for a proposed non-medical retail cannabis location at 936-946 Main Street, Okanagan Falls (Lot 15, Block 17, Plan KAP4, District Lot 374, SDYD), for a Non-medical Cannabis Retail Store licence with operating hours from 9:00 am to 11:00 pm seven days a week;

AND THAT the following comments be provided to the Liquor and Cannabis Regulation Branch:

1. *TBD*

Respectfully submitted:



JoAnn Peachey, Planner I

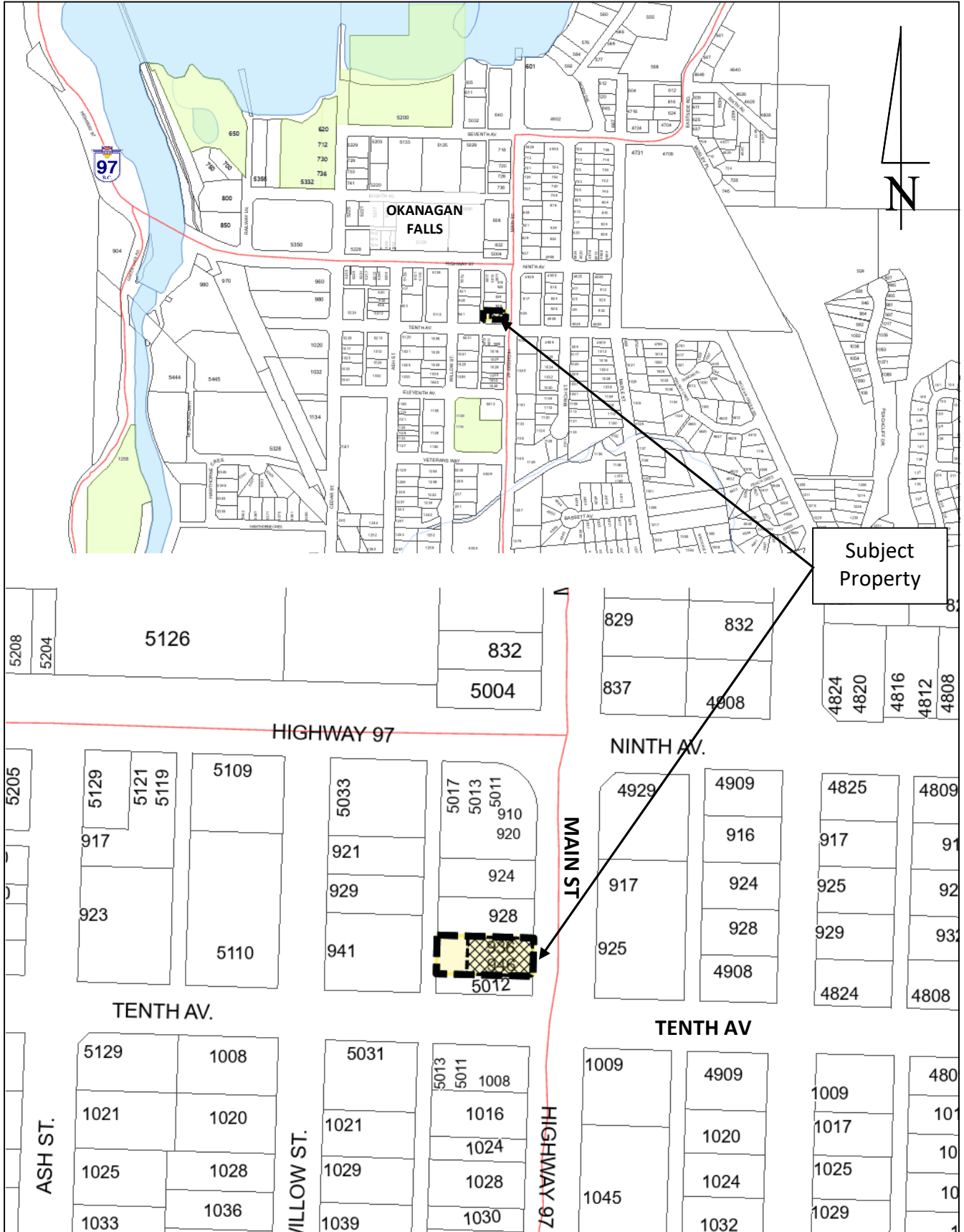
Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps
No. 2 – Applicant's Site Plan
No. 3 – Applicant's Building Elevation
No. 4 – Site Photo

Attachment No. 1 – Context Maps



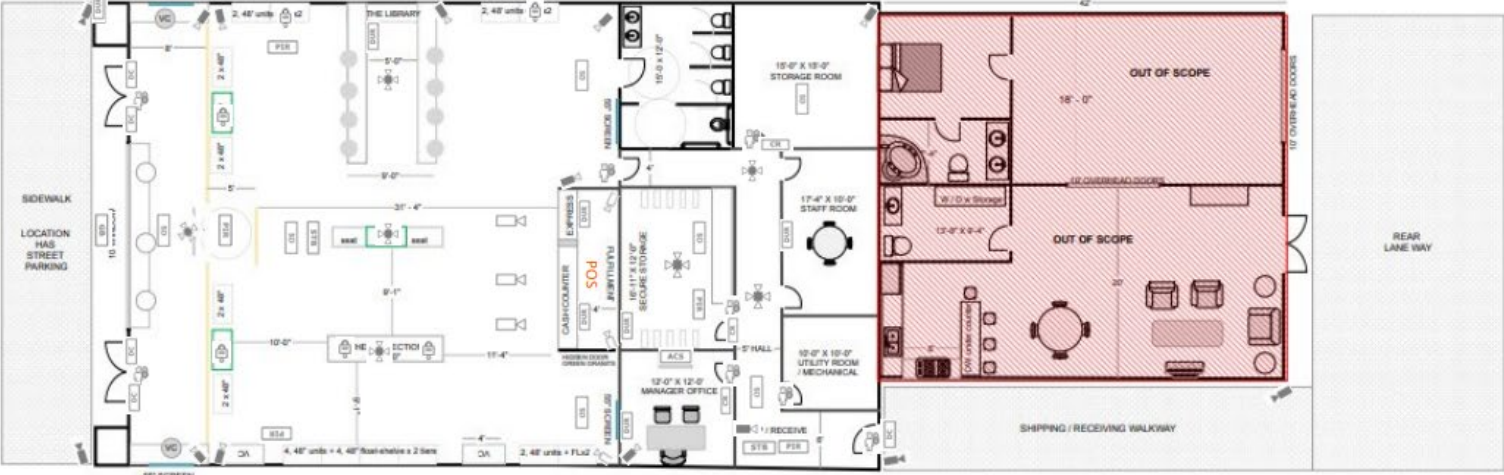
Subject Property

Attachment No. 2 – Applicant’s Floor Plan



SECURITY PLAN OVERVIEW – 946 Main Street, Okanagan Falls, BC

- LEGEND**
- CARD READER
 - GLASS BREAK DETECTOR
 - DOOR CONTACT
 - MOTION DETECTOR
 - DURESS / PANIC BUTTON
 - SEISMIC DETECTOR
 - INTRUSION KEYPAD
 - SIREN / STROBE LIGHT
 - PIEZO BUZZER
 - SECURITY WORKSTATION
 - CCTV SERVER
 - ACCESS CONTROL PANEL / SERVER
 - INTRUSION PANEL WITH GSM
 - FENCE DETECTION LOOP
 - INTERCOM STATION
 - INTERCOM MASTER STATION
 - INDOOR CCTV CAMERA
 - BUSINESS INTELLIGENCE CAMERA
 - OUTDOOR CCTV CAMERA
 - 360 DEGREE CCTV CAMERA
 - DOOR TYPE
 - CAMERA NUMBER
 - INTRUSION ZONE IDENTIFIER
 - INTERCOM STATION IDENTIFIER
 - DOOR NUMBER
 - ACS DOOR CONTACT
 - DOOR STRIKE
 - REQUEST TO EXIT MOTION
 - REQUEST TO EXIT BUTTON
 - MAGLOCK
 - OVERHEAD DOOR RELAY
 - SMOKE DETECTOR
 - SECURITY LOCKED CABINETS/UNITS
 - LOCK AND KEY ENTRY



All Cabinetry is



ERBN Green Cannabis Company Inc.
W: erbngreen.com



Attachment No. 3 – Applicant’s Building Elevation

ERBN GREEN CANNABIS CO.
936 AND 946 MAIN STREET, OKANAGAN FALLS, BC



Attachment No. 4 – Applicant’s Site Photo

