

## ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** April 13, 2021  
**RE:** Liquor and Cannabis Regulation Branch Referral – Electoral Area “D”  
Cannabis Retail Store

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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)

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### **Proposed Development:**

An application to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence, whereby under Section 33(1) of the *Cannabis Control and Licencing Act* the LCRB is prevented from issuing a CRS licence without a positive recommendation from the local government.

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

### **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.*

In response to this requirement the Regional District, amongst other things, refers CRS proposals to the applicable Electoral Area Advisory Planning Commission (APC) for comment.

### **Site Context:**

The subject property is approximately 581 m<sup>2</sup> 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.

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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).

**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.

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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.

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**Administrative Recommendation:**

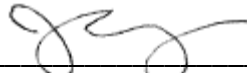
**THAT the APC recommends to the RDOS Board of Directors that the proposed Cannabis Retail Store application be approved.**

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**Options:**

1. THAT the APC recommends to the RDOS Board of Directors that the proposed Cannabis Retail Store application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed Cannabis Retail Store application be approved with the following conditions:
  - i) *[Additional public consultation in the form of a public hearing be scheduled]*
3. THAT the APC recommends to the RDOS Board of Directors that the proposed Cannabis Retail Store application be denied.

**Respectfully submitted:**

  
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JoAnn Peachey, Planner I

**Endorsed By:**

  
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C. Garrish, Planning Manager

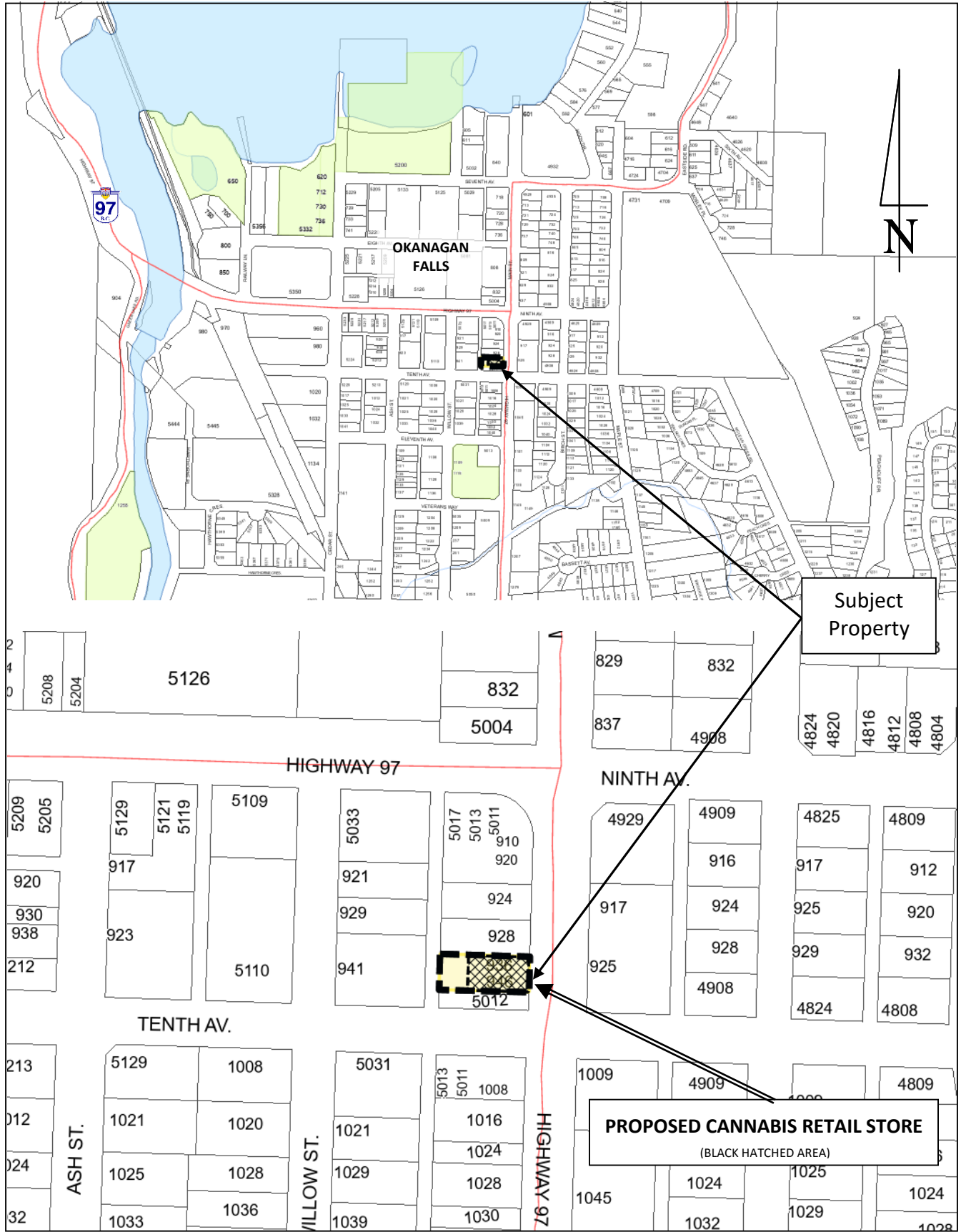
Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Floor Plan

No. 3 – Applicant’s Building Elevation

No. 4 – Applicant’s Site Photo

Attachment No. 1 – Context Maps

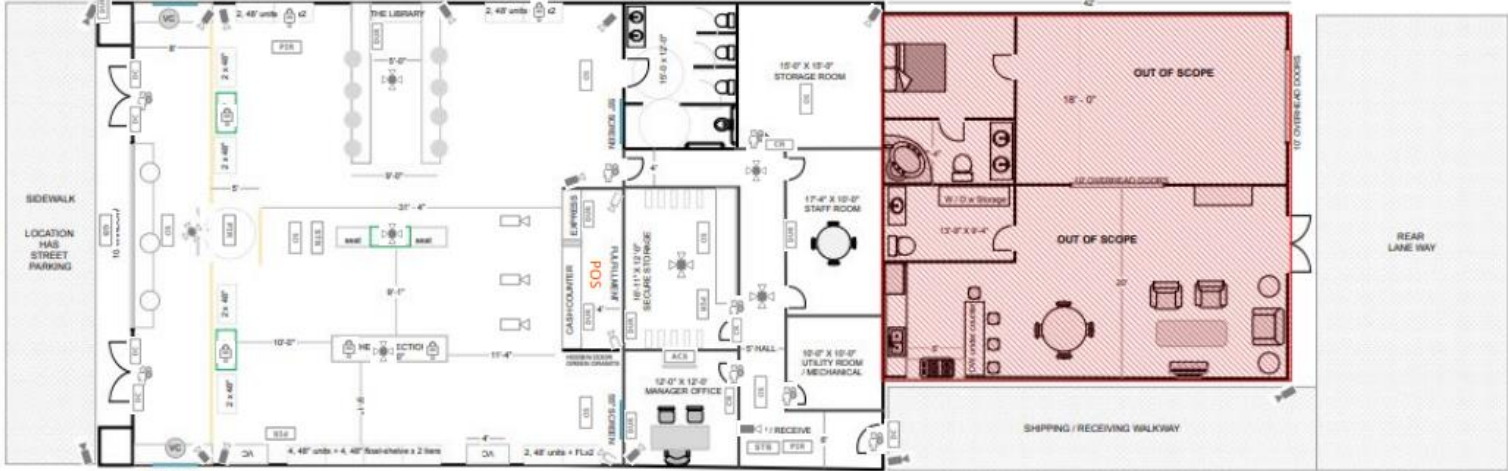


# Attachment No. 2 – Applicant’s Floor Plan



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

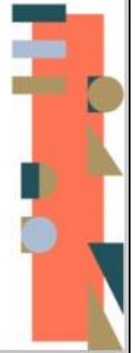
- LEGEND**
- CARD READER
  - GLASS BREAK DETECTOR
  - DOOR CONTACT
  - MOTION DETECTOR
  - DURESS / PANIC BUTTON
  - SEISMIC DETECTOR
  - INTRUSION KEYPAD
  - SIREN / STROBE LIGHT
  - PIEZO BUZZER
  - SECURITY WORKSTATION
  - CCTV SERVER
  - ACCESS CONTROL PANEL / SERVER
  - INTRUSION PANEL WITH GSM
  - 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

