



# BOARD REPORT

**TO:** Chair and Directors **File No:** 4600 50 06

**SUBJECT:** Electoral Area C: Non-Medical Cannabis Retail License Application (Copper Island Cannabis Corp.)

**DESCRIPTION:** Report from Jan Thingsted, Planner III, dated December 16, 2019. 2798 Balmoral Road, Blind Bay

**RECOMMENDATION:** THAT: the Board recommend to the General Manager of the Provincial Liquor and Cannabis Regulation Branch, that a Non-Medical Cannabis Retail Store Licence be issued to Copper Island Cannabis Company Corp. (file no. 000922) for a store to be located at Lot 1, Section 17, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP82151, this 16<sup>th</sup> day of January, 2020.

## SHORT SUMMARY:

The applicant would like to open a non-medical cannabis retail store at 2798 Balmoral Road in Blind Bay, Electoral Area C. The subject parcel is zoned C8 - Local Neighbourhood Commercial and is the site of the Blind Bay Village Grocer and Shell Gas Station.

Cannabis Retail Store Licences cannot be issued by the Province unless the provincial Liquor Cannabis Regulation Branch (LCRB) receives a positive recommendation from the local government of the area where the proposed store will be located.

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<b>VOTING:</b>	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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## BACKGROUND:

REGISTERED OWNER:  
Copper Island Holdings Ltd.

APPLICANT/AGENT:  
James Inglis

ELECTORAL AREA:  
C

LEGAL DESCRIPTION:  
Lot 1, Section 17, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP82151  
PID:  
026-842-637

CIVIC ADDRESS:

2798 Balmoral Road, Blind Bay

**SURROUNDING LAND USE PATTERN:**

North: Rural Residential

East: Rural Residential

South: Rural Residential

West: Resort Commercial

**CURRENT USE:**

Neighbourhood Commercial – Supermarket, Liquor Store, and Gas Station

**PARCEL SIZE:**

1.02 ha (2.52 ac)

**DESIGNATION:**

Electoral Area C Official Community Plan Bylaw No. 725

Designation: NC - Neighbourhood Commercial

**ZONE:**

South Shuswap Zoning Bylaw No. 701

C8 - Local Neighbourhood Commercial

**AGRICULTURAL LAND RESERVE:**

0%

**SITE COMMENTS:**

See attached site plans, maps and photos: "Maps\_Plans\_Photos\_4600\_50\_06.pdf".

See attached application: "Application\_2019-09-18\_4600\_50\_06.pdf"

**POLICY:**

**Electoral Area C Official Community Plan Bylaw No. 725**

**3.3 Secondary Settlement Areas**

**3.3.1 Objective**

- .1 To allow for predominantly residential development and some neighbourhood commercial development within Blind Bay, Eagle Bay, Sunnybrae and White Lake.

**3.3.2 Policies**

- .2 Permitted land uses within the Secondary Settlement Areas include: residential, neighbourhood commercial uses, recreational residential, community and health-related services, institutional uses, recreation, arts and cultural activities.

**3.8 Commercial**

**3.8.2 Policies**

.4 Neighbourhood Commercial (NC) is acceptable in Secondary Settlement Areas, allowing a limited range of retail, and personal, professional and community services that meet the daily needs of local residents.

### **Cannabis Related Business Policy A-71**

The intent of Policy A-71 is to ensure that:

- Cannabis related business are located in such a manner that they comply with CSRD land use regulations and are sensitive to potential impacts on the surrounding community;
- The CSRD is provided sufficient information in the cannabis licence notification package; and
- Adequate public consultation is conducted when the Board provides a recommendation on a cannabis related business application.

Applicable siting criteria from Cannabis Related Business Policy A-71:

Part Two 1(a):

In cases where land use zoning exists, cannabis retail sales may only be permitted in zones that allow retail sales.

See attached Cannabis Related Business Policy A-71: "2019-07-18\_Cannabis\_Policy\_ A-71.pdf"

### **Cannabis Procedure P-32**

CSRD Cannabis Procedure PR-32 outlines the steps to be taken by staff upon receiving a cannabis retail licence notification letter from the LCRB. The procedure for processing cannabis retail referrals includes:

- Application submission requirements
- Application process
- Public consultation process
- Public notification requirements

See attached "2019-12-07\_Cannabis\_Procedure\_ PR-32.pdf"

### **Bill 30 – 2018: Cannabis Control and Licensing Act**

Section 33 (1):

The general manager must not issue a prescribed class of licence or make a prescribed type of amendment to a prescribed class of licence unless the local government or Indigenous nation for the area in which the establishment is proposed to be located or is located gives the general manager a recommendation that the licence be issued or amended.

### **FINANCIAL:**

There are no financial implications to the CSRD with regard to this application.

### **KEY ISSUES/CONCEPTS:**

#### **Proposal**

The applicant is proposing to open a non-medical cannabis retail store at 2798 Balmoral Road in Blind Bay. The Blind Bay area is designated as a Secondary Settlement Area in Bylaw No. 725 which supports a range of retail services for local residents.

See proposal and site plans in the "Maps\_Plans\_Photos\_4600\_50\_06.pdf" attached.

The subject property is 1.02 ha in size and is situated between two rural residential properties. The retail store is proposed at the rear of the property in an existing building which has a gross floor area of 122 m<sup>2</sup> (1316 sq. ft.) and is currently being used for storage. No re-zoning is required for this proposal since retail sales are permitted in the C8 zone. The store would employ 6-8 staff and be open daily from 9 a.m. to 9 p.m.

South Shuswap Zoning Bylaw No. 701 does not include off-street parking requirements for cannabis retail stores but does specify that liquor stores and country general stores have one parking space per 30 m<sup>2</sup> of gross floor area. Since cannabis retail is a comparable type of retail use, the same parking space calculation has been applied for this proposal. The 122 m<sup>2</sup> store will therefore require four parking spaces. The applicant has provided a site plan that shows 10 parking spaces for the proposed store – double the required amount for liquor stores and country general stores. The entire number of public parking spaces on the subject property is 73 which meets the required number of spaces for the combined commercial activities. The applicant has also verified that there will be sufficient staff parking located on the subject property.

### **Provincial Regulations**

LCRB has completed the eligibility and suitability requirements of the Cannabis Control and Licensing Act for Copper Island Cannabis Company Corp., and persons associated with Copper Island Cannabis Company Corp.

If the applicant is successful in obtaining a licence for the sale of non-medical cannabis, it is the responsibility of the licensee to be aware of and to operate in compliance with all provincial regulations. These regulations apply to but are not limited to:

- store layout
- store security
- cannabis storage
- who a licensee can sell to
- hours of sale
- pricing

Failure to comply with provincial regulations may result in provincial enforcement action against the licensee including, a monetary penalty, suspension or cancellation of the licence.

### **Consultation Process**

Section 33(1) of the Cannabis Control and Licensing Act prevents the LCRB from issuing a Cannabis Retail Store licence without a positive recommendation regarding the licence application from the applicable local government. Additionally, if the local government makes comments and a recommendation on the licensee's application to the LCRB, it must first gather the views of residents.

As outlined in CSRD Cannabis Procedure PR-32, once the CSRD receives a cannabis retail licence notification, staff conduct a preliminary review of the referral with the Electoral Director of the area in which the proposal is located to determine which type of public consultation is required (either a public survey, or public survey plus a public meeting). For this application, Director Demenok requested that both a public survey and public meeting be conducted. The results of the public survey and meeting are provided in the Communications section of this report.

## **SUMMARY:**

The owners have applied to the LCRB and CSRD to open a cannabis retail store at 2798 Balmoral Road in Blind Bay. Staff are recommending that the Board support this application for the following reasons:

- The proposed use is supported by the policies in South Shuswap Official Community Plan Bylaw No. 725 and Cannabis Related Business Policy A-71, and is permitted by South Shuswap Zoning Bylaw No. 701.
- The proposal use will comply with other land use requirements in Bylaw No. 701 (e.g., parking, setbacks, building height, servicing).
- The majority of comments received during the public consultation process support the proposal at this location.
- Staff feel that public concerns received during the public consultation process can be effectively mitigated by the proponent and provincial regulations.

## **IMPLEMENTATION:**

The General Manager of the Liquor and Cannabis Regulation Branch will be notified of the Board's decision regarding the issuance of this Non-Medical Cannabis Retail Store Licence.

If the applicant is successful in securing a provincial licence, the applicant will need to apply for a Building Permit prior to construction of the proposed store.

## **COMMUNICATIONS:**

### **Referrals**

The application was sent to the following referral agencies (as required by Cannabis Procedure PR-32) for comments, which are summarized below:

- CSRD Operations Management: No comments.
- Ministry of Transportation and Infrastructure (MOTI): MOTI staff recommended that the applicant amend their existing access permit to include the proposed additional land use.
- RCMP (Salmon Arm Detachment): No concerns.

### **Notification letters**

Staff provided written notification of the application, public survey, and public meeting to all property owners within 100 metres of the proposed retail store as required by Procedure PR-32. Responses were provided via the public survey.

### **Public Meeting**

A Public Meeting was held on Thursday, November 19, 2019 at the Sorrento Memorial Hall and attended by Development Services staff and Director Demenok. There were 17 members of the public in

attendance, plus the applicant. Staff advertised the Public Meeting in the November 8, 2019 edition of the Shuswap Market News and on CSRD social media.

At the beginning of the meeting, staff gave a presentation in which the details of the proposed cannabis store were provided. For the remainder of the meeting, the public were given the opportunity to ask questions and provide comments to staff, Director Demenok, and the applicant.

Public opinions expressed at the meeting regarding the proposed store were fairly split, with some attendees stating their objections and others indicating support. Some of the points raised at the meeting include:

- concern that there will be cannabis smoke odour in the parking lot
- concern that there will be increased traffic congestion in the parking lot
- some cannabis store patrons may drive impaired
- the owner should have the right to open a cannabis retail business

Public meeting attendees were directed to provide any written comments by completing the public survey.

The Executive Director of the South Shuswap Chamber of Commerce was in attendance and stated that the Chamber had recently passed a unanimous motion to accept cannabis retail stores as possible members of the Chamber.

James Inglis, the applicant, provided the following information in response to concerns raised by those in attendance:

- Blind Bay Village Grocer has the right to refuse service to any patrons breaking the law
- the parking area was expanded in summer 2019
- directional arrows will be added to the parking lot to improve traffic flow at peak times

### **Public Survey**

An on-line public survey was made available on the CSRD's website from November 8, 2019 to December 9, 2019. Paper copies of the survey were also available at the CSRD front counter. Staff advertised the public survey in the November 8, 2019 edition of the Shuswap Market News and on CSRD social media.

See the public survey summary in the attached "Public\_Survey\_Results\_2019-12-11\_4600\_50\_06.pdf" for the complete survey results.

In total, 183 surveys were submitted to the CSRD. 95% of the survey submissions came from individuals identifying themselves as residents of the South Shuswap, with 71% of all responses coming from those identifying themselves as residents of Blind Bay. Overall, there were 101 survey responses showing support for the store proposal and 77 responses indicating opposition to the proposal. Some of the reasons stated for supporting the store proposal include:

- economic benefit to the community
- providing a safe location to buy cannabis that will mitigate the sale of illegal cannabis
- convenience of being able to buy cannabis locally
- aging population uses cannabis for pain control
- cannabis is now legal and should be treated like alcohol

Some of the reasons stated for opposing the proposal include:

- the store will increase traffic congestion in an already busy area
- unnecessary – there are already too many stores in the area
- the store will create unwanted odour in the parking lot
- the store will attract criminal activity

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

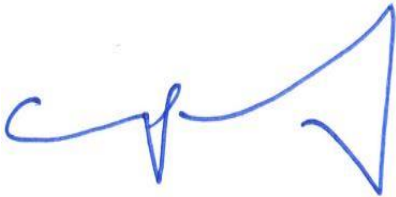
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area C Official Community Plan Bylaw No. 725
2. South Shuswap Zoning Bylaw No. 701
3. Bill 30 – 2018: Cannabis Control and Licensing Act

**Report Approval Details**

Document Title:	2020-01-16_Board_DS_4600_50_06.docx
Attachments:	<ul style="list-style-type: none"><li>- 2019-07-18_Cannabis_Policy_A-71.pdf</li><li>- 2018-12-07_Cannabis_Procedure_PR-32.pdf</li><li>- Application_2019-09-18_4600_50_06.pdf</li><li>- Public_Survey_Results_2019-12-11_4600_50_06.pdf</li><li>- Maps_Plans_Photos_4600_50_06.pdf</li></ul>
Final Approval Date:	Jan 13, 2020

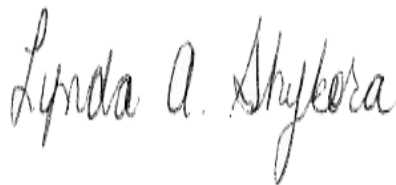
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement



Gerald Christie



Lynda Shykora



Charles Hamilton