



DEVELOPMENT and PLANNING SERVICES COMMITTEE

Monday, November 5, 2018

City of Salmon Arm

Council Chamber

City Hall, 500 - 2 Avenue NE

8:00 a.m.

Page #	Section	Item#
	1.	<u>CALL TO ORDER</u>
	2.	<u>REVIEW OF THE AGENDA</u>
	3.	<u>DECLARATION OF INTEREST</u>
	4.	<u>PRESENTATION</u> n/a
	5.	<u>REPORTS</u>
1 - 10	5.1	ZON-1124, Nakazawa, B. / Lawson Engineering & Development Services, 2371 Auto Road SE, R-1 to R-8 & R-4
11 - 20	5.2	ZON-1134, Theissen, K. & L., 3710 – 16 Avenue NE, R-1 to R-8
21 - 30	5.3	CRS-01, The Greenery Cannabis Boutique Ltd., 2 – 190 Trans Canada Highway NE, Cannabis Retail Store
31 - 42	5.4	CRS-02, Zen Canna Retail Corporation, 51 – 2801 – 10 Avenue (TCH) NE, Cannabis Retail Store
43 - 54	5.5	CRS-03, Downtown Cannabis, 111 Lakeshore Drive NE, Cannabis Retail Store
	6.	<u>FOR INFORMATION</u> n/a
	7.	<u>IN CAMERA</u> n/a
	8.	<u>LATE ITEM</u> n/a
	9.	<u>ADJOURNMENT</u>

<http://www.salmonarm.ca/agendacenter>

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City of Salmon Arm

Development Services Department Memorandum

To: His Worship Mayor Harrison and Members of Council

Date: October 25, 2018

Subject: Zoning Bylaw Amendment Application No. 1124

Legal: Lot 2, Section 13, Township 20, Range 10, W6M, KDYD, Plan 3075, Except Plans 32461, KAP62839, EPP63695, EPP75660 & EPP83031 & Lots 12 - 16, Section 13, Township 20, Range 10, W6M, KDYD, Plan EPP83031

Civic: 2371 Auto Road SE, 2397, 2377, 2357, 2337 & 2317 – 5 Avenue SE

Owner: Nakazawa, B.

Applicant: Lawson Engineering and Development Services Ltd.

MOTION FOR CONSIDERATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning:

- 1.) a portion of Lot 2, Section 13, Township 20, Range 10, W6M, KDYD, Plan 3075, Except Plans 32461, KAP62839, EPP63695, EPP75660 & EPP83031 and Lots 12 – 16, Section 13, Township 20, Range 10, W6M, KDYD, Plan EPP83031, from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone) and;
- 2.) a portion of Lot 2, Section 13, Township 20, Range 10, W6M, KDYD, Plan 3075, Except Plans 32461, KAP62839, EPP63695, EPP75660 & EPP83031 from R-1 (Single Family Residential Zone) to R-4 (Medium Density Residential Zone).

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

BACKGROUND

The subject parcel is located at 2371 Auto Road SE (Appendix 1 and 2). The parcel has a total area of approximately 2.5 acres, is designated Medium Density Residential in the City's Official Community Plan (OCP) as shown in Appendix 3, and is zoned R-1 (Single Family Residential) as per the Zoning Bylaw (Appendix 4). The subject parcel currently contains a single family dwelling intended to be removed.

This proposal is to rezone the large subject parcel to R-8 (Residential Suite Zone) and R-4 (Medium Density Residential Zone) to facilitate future subdivision and development, largely aligned with recent development directly to the north. A conceptual layout plan has been provided for an associated Subdivision application (Appendix 5). Site photos are attached as Appendix 6.

The conceptual layout plan demonstrates one possible option how the subject parcel could be divided to meet or exceed the minimum parcel specifications of the proposed R-8 and R-4 zones. A total of 17 parcels are envisioned: 10 R-8 parcels, 6 of which have dual frontage and would meet the conditions to permit detached suites (at present the intent is to provide for secondary suites within the basements of new single family dwellings), while 7 single family R-4 parcels are proposed.

This area is generally comprised of R-1 zoned parcels containing single family dwellings, with an R-4 parcel and four R-8 parcels in the general area. The Zoning Map attached shows the mix of zones in the immediate area. Land uses directly adjacent to the subject parcel include the following:

North: Single-Family Residential (R-1) parcels,
 South: Auto Road and Single-Family Residential (R-1) parcels,
 East: Single-Family Residential (R-1) parcels, and
 West: Single-Family Residential (R-1) parcel.

As the majority of the subject property is currently undeveloped, this amendment is to provide flexibility and facilitate future subdivision, development and use. Any development of a single family home, secondary suite or detached suite would require a building permit, and will be subject to meeting Zoning Bylaw and BC Building Code requirements. Any multiple family development under R-4 Zoning would be subject to a Development Permit Application (single family lots are proposed on the R-4 portion and are not subject to a Development Permit).

OCP POLICY

The subject parcel is designated Medium Density Residential in the OCP, and is within Residential Development Area A. The proposed R-8 and R-4 zones are in alignment with the Medium Density land use designation. In terms of Area A, this means that the land and surrounding infrastructure are the priority for City investment in capital works projects (with Area B being second priority and Area C third).

The proposed densities of the R-8 and R-4 zones align with OCP Policy 4.4.3, which encourages all growth to be sensitively integrated with neighbouring land uses. Furthermore, the proposed zones align with the Urban Residential Objectives of Section 8.2 and Urban Residential Policies listed in Section 8.3, including providing a variety of housing types, providing housing options, and supporting compact communities. In terms of siting, the proposal appears to match with OCP Siting Policies under Section 8.3.19, including good access to transportation routes, recreation, and community services.

Secondary Suites

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in Medium Density Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Based on parcel size requirements, the conceptual subject properties have potential for the development of either a secondary suite or, in the case of the proposed dual fronting parcels, a detached suite.

COMMENTS

Engineering Department

No concerns with rezoning.

Building Department

No concerns with rezoning.

Fire Department

No Fire Department concerns.

Planning Department

Keeping in mind the Medium Density Residential OCP designation, the subject parcels are located in an area well-suited for this form of residential development.

The proposed R-8 zoning is aligned with neighbouring land uses, situated within existing R-1 lots. The R-8 zone regulations of the Zoning Bylaw are attached as Appendix 5. The minimum parcel area permitted under R-8 zoning is 450 square metres, or 700 square metres for a parcel containing a detached suite. At this time, the proposal presents six double fronting lots which exceed the minimum area and width required for a detached suite, thereby allowing options for suites.

Four of the proposed R-8 lots north of the future 5 Avenue SE in the attached concept would be limited by parcel area to traditional secondary suites within a single-family dwelling. The other six parcels all feature dual frontages and appear meet the relevant R-8 zoning regulations to permit a detached suite. At present, the intent is to provide for secondary suites within the basements of new single family dwellings.

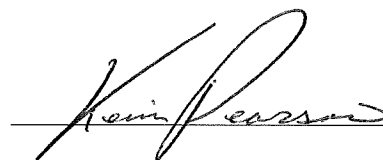
As previously noted, the 7 proposed single family R-4 parcels are supported by the Medium Density OCP land use designation. In staff's opinion, this proposal represents a reasonable increase in density: the proposed lots are approximately each 320 square metres which is significantly less than the 450 square metre minimum permitted under the current R-1 zoning, however from a growth management perspective, the best use and density would be an even higher density multi-family development with 9 (or more) units. As such, staff consider the proposed R-4 density to be generally sensitive to well-established neighbouring land uses, similar to and reasonably consistent with the predominantly single-family development in the area.

CONCLUSION

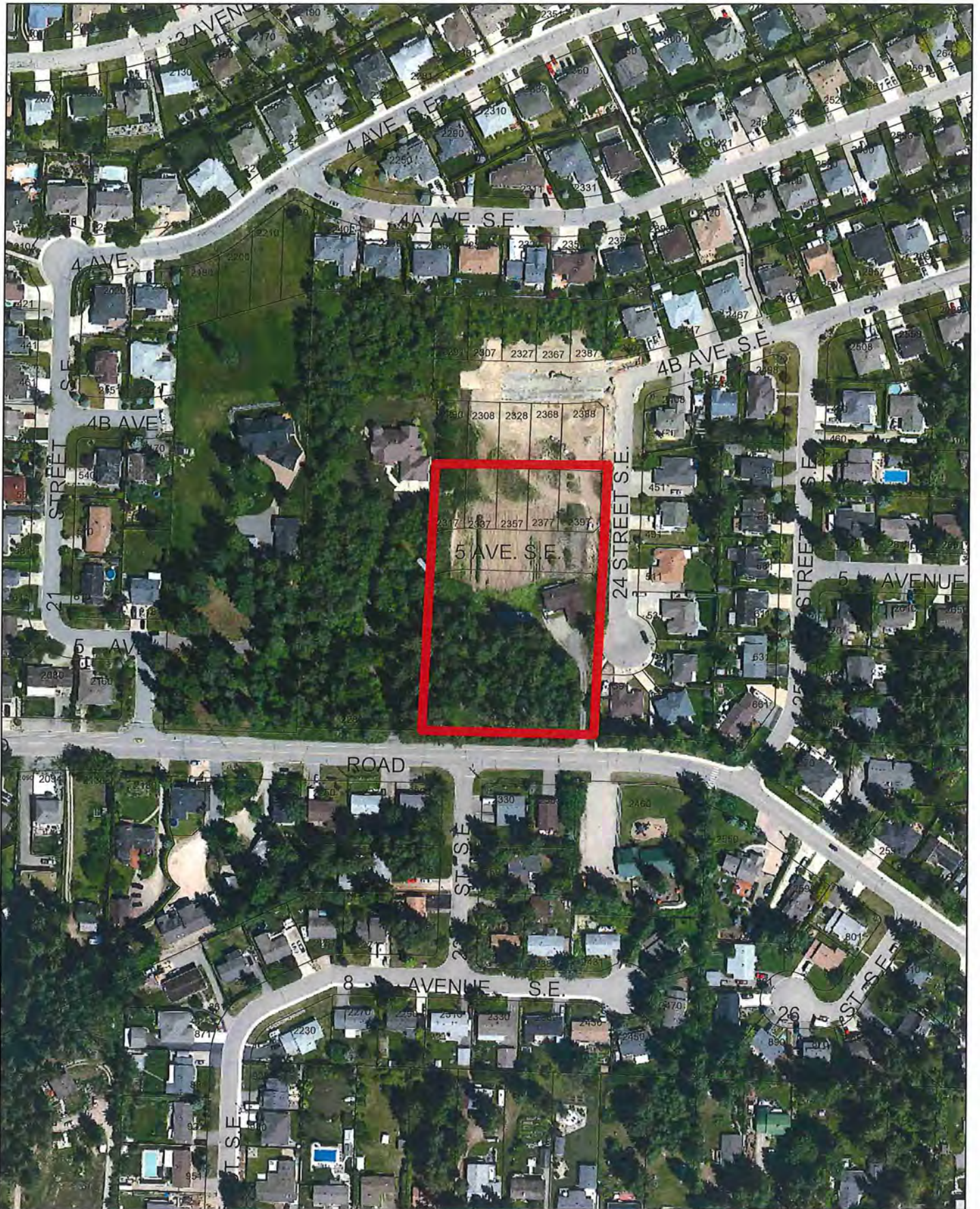
The proposed R-4 and R-8 zoning is consistent with the OCP and is therefore supported by staff.



Prepared by: Chris Larson, MCP
Planning and Development Officer



Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services



0 25 50 100 150 200 Meters



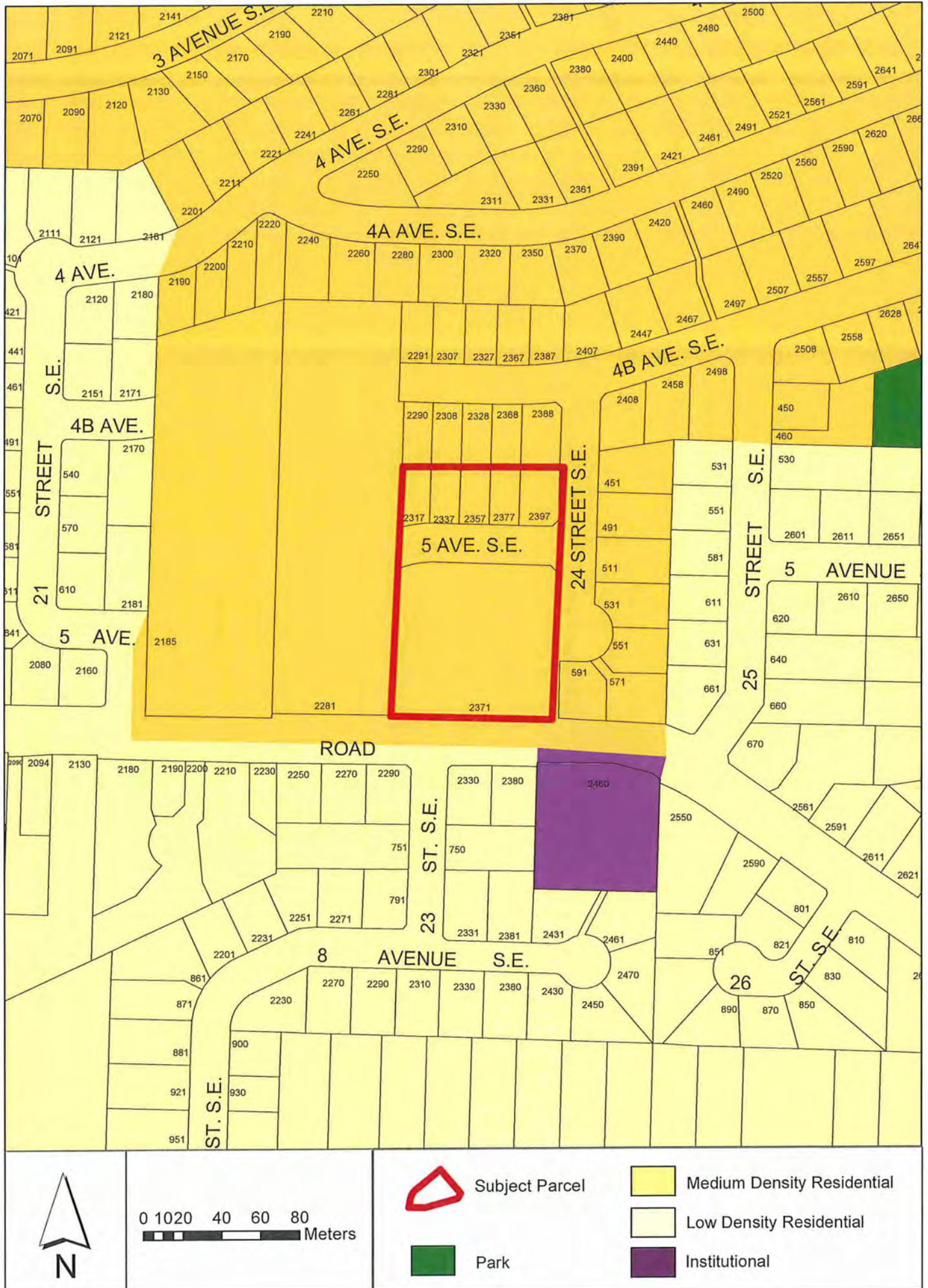
Subject Parcel

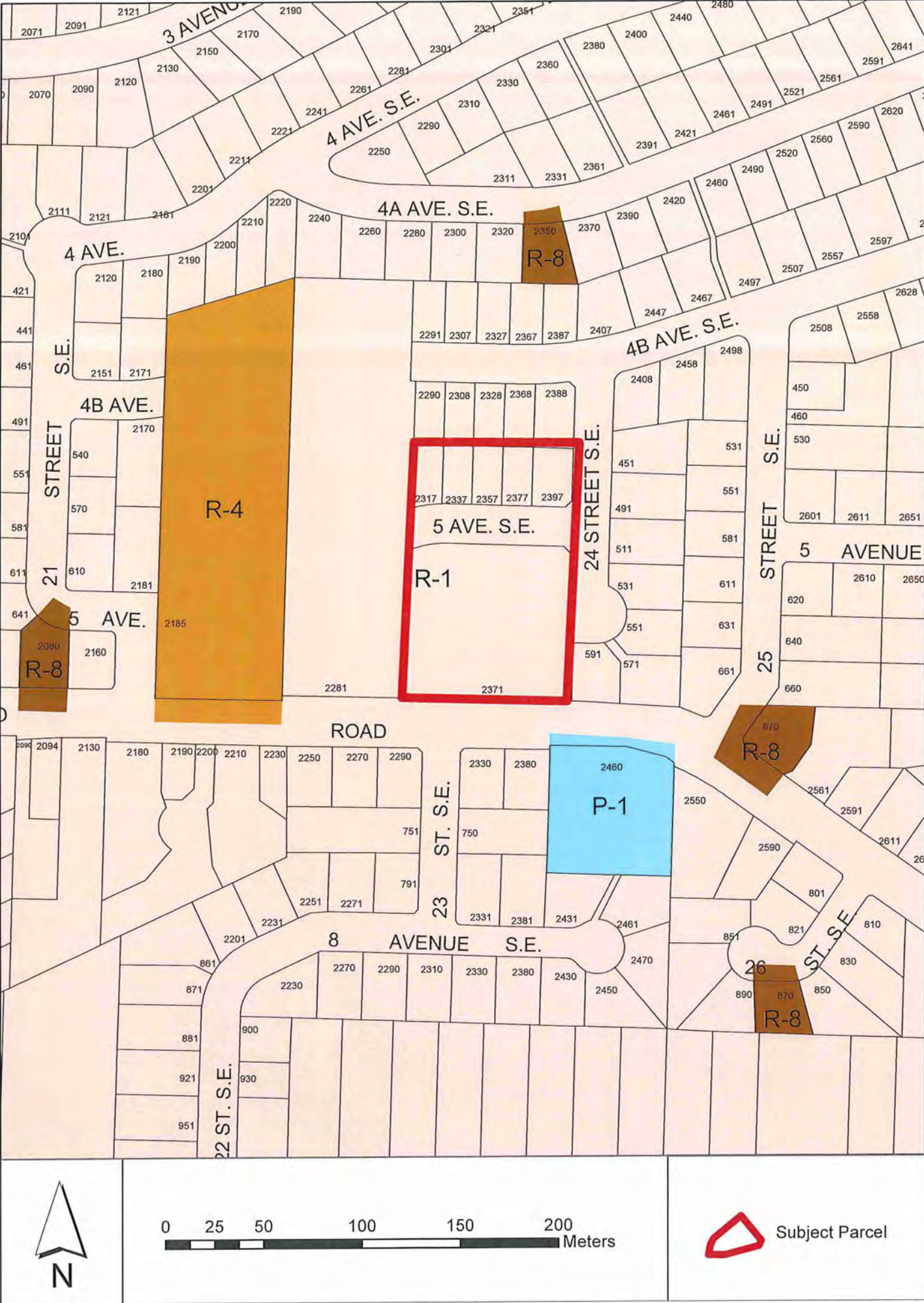


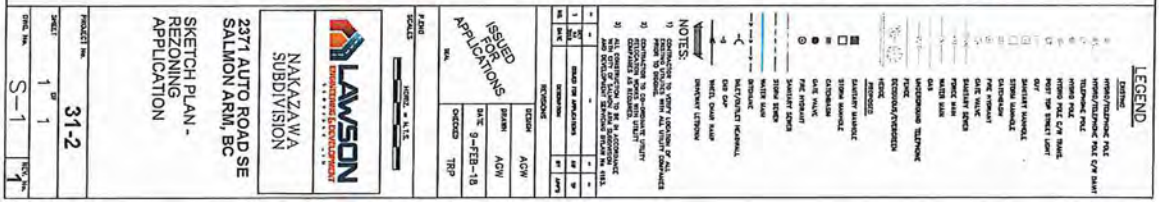
0 12.5 25 50 75 100 Meters



Subject Parcel







Appendix 6: Site Photos



View north-east of subject parcel from Auto Road SE.



View north-west of subject parcel from Auto Road SE.

Appendix 6: Site Photos



View north along east parcel line and walkway from Auto Road SE (subject parcel driveway on left).



View south-west of subject parcel from 24 Street SE.



City of Salmon Arm

Development Services Department Memorandum

To: His Worship Mayor Harrison and Members of Council

Date: October 26, 2018

Subject: Zoning Bylaw Amendment Application No. 1134

Legal: Lot 16, Section 19, Township 20, Range 9, W6M, KDYD, Plan 22301

Civic: 3710 – 16 Avenue NE

Owner / Applicant: Thiessen, K. & L.

MOTION FOR CONSIDERATION

THAT: a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 16, Section 19, Township 20, Range 9, W6M, KDYD, Plan 22301 from R-1 (Single Family Residential Zone) to R-8 (Residential Suite Zone);

AND THAT: Final reading of the zoning amendment bylaw be withheld subject to approval by the Ministry of Transportation and Infrastructure.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject parcel is located at 3710 16 Avenue NE (Appendix 1 and 2) and contains an existing single family dwelling. The proposal is to rezone the parcel from R-1 (Single Family Residential) to R-8 (Residential Suite) to permit the construction and use of a *secondary suite* within the existing single family dwelling.

BACKGROUND

The subject parcel is designated Low Density Residential in the City's Official Community Plan (OCP) and zoned R-1 (Single Family Residential) in the Zoning Bylaw (Appendix 3 & 4). The subject parcel is located in an area largely comprised of R-1 zoned parcels containing single family dwellings. There is presently one R-8 zoned parcel within the vicinity of the subject parcel.

The subject parcel meets the conditions as specified to permit a secondary suite within the proposed R-8 zone. Site photos are attached as Appendix 5. The intent of the applicant is to develop a conforming *secondary suite* just over 962 square feet in area within the basement of the single family dwelling, as shown in the plans attached as Appendix 6.

Secondary Suites

Policy 8.3.25 of the OCP provides for the consideration of secondary suites in Low Density Residential designated areas via a rezoning application, subject to compliance with the Zoning Bylaw and the BC Building Code. Based on parcel area and width, the subject property has potential to meet the conditions for the development of a *secondary suite*, including sufficient space for an additional off-street parking stall.

COMMENTSEngineering Department

No objections to the proposed rezoning.

Building Department

BC Building Code will apply. No concerns with proposed zoning.

Fire Department

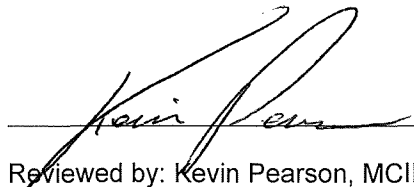
No concerns.

Planning Department

The proposed R-8 zoning of the subject parcel is consistent with the OCP and is therefore supported by staff. The site plan provided indicates that all R-8 Zone requirements can be met, including the provision of onsite parking, and that the proposed building addition substantially aligns with development patterns in the area. Any development of a secondary suite would require a building permit and will be subject to meeting Zoning Bylaw and BC Building Code requirements.



Prepared by: Chris Larson, MCP
Planning and Development Officer



Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services



L.S. 7

PLAN E699

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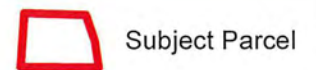
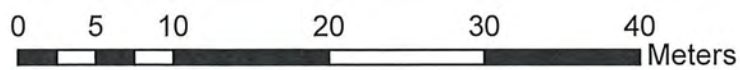
11 AVE. NE

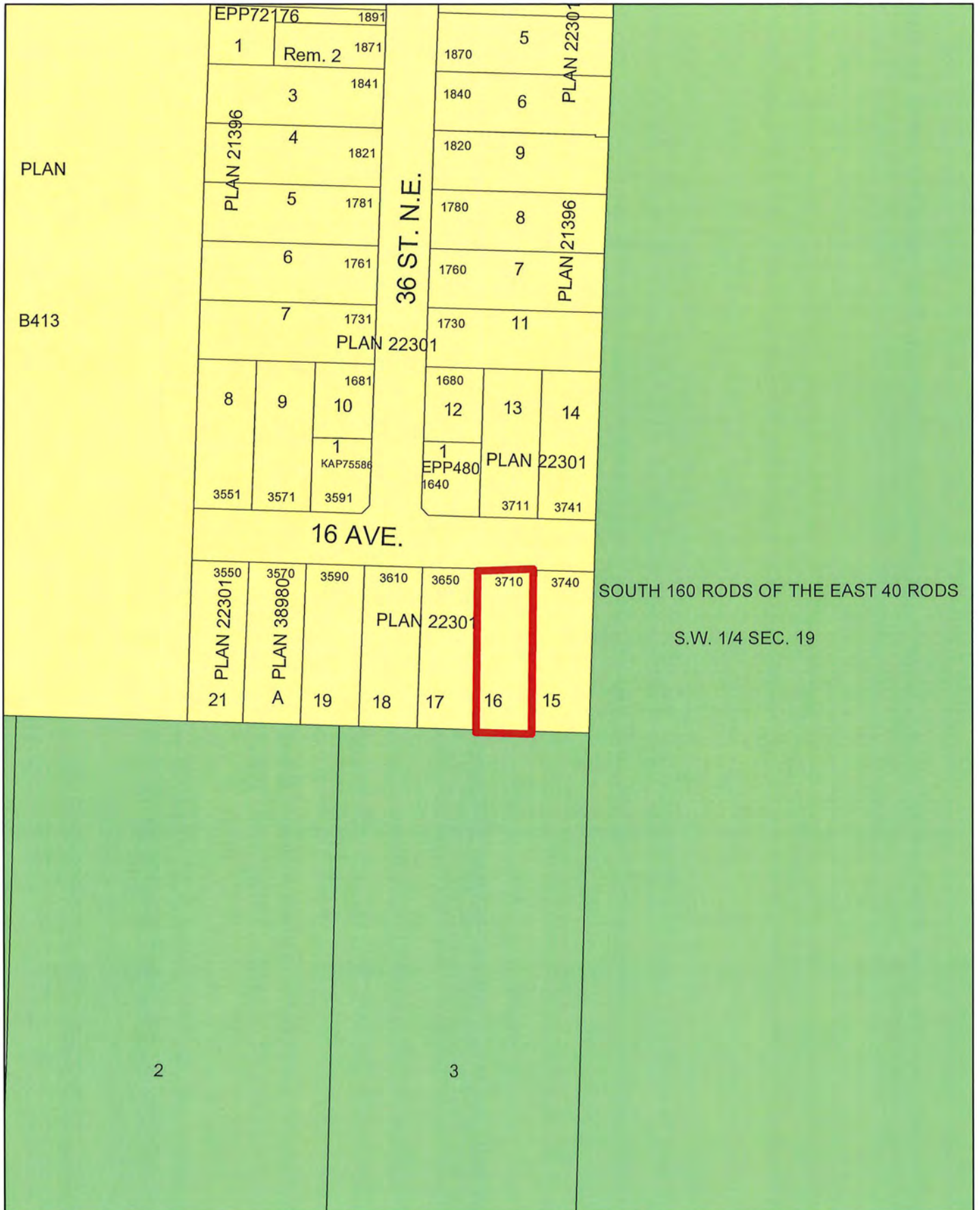
TRANS CANADA HIGHWAY No.1

(10' AVE. N.E.)



Subject Parcel





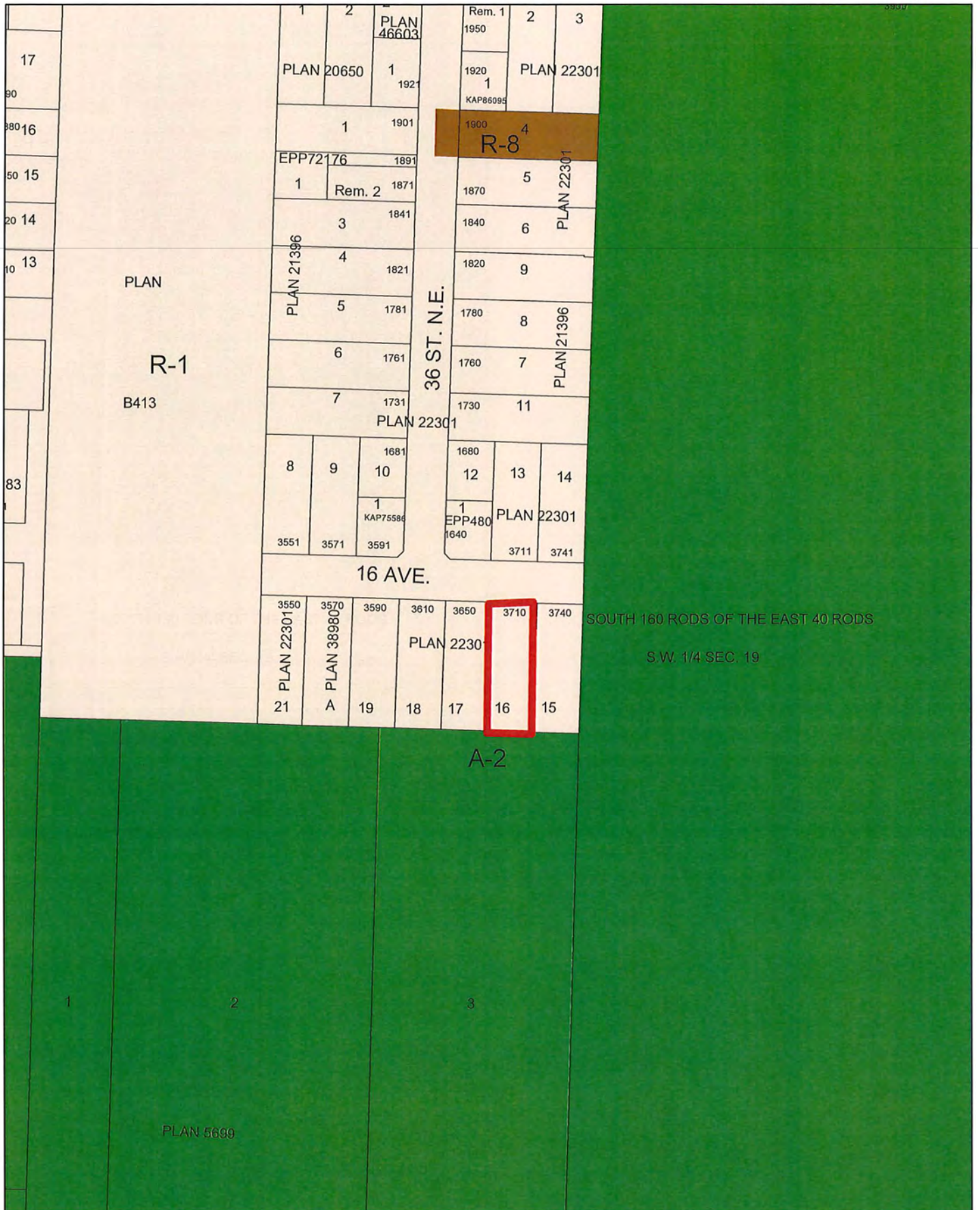
0 10 20 40 60 80
Meters



Subject Parcel

Acreage
Reserve

Low Density -
Residential



0 25 50 100 150 200 Meters



Subject Parcel

Appendix 5: Site Photos

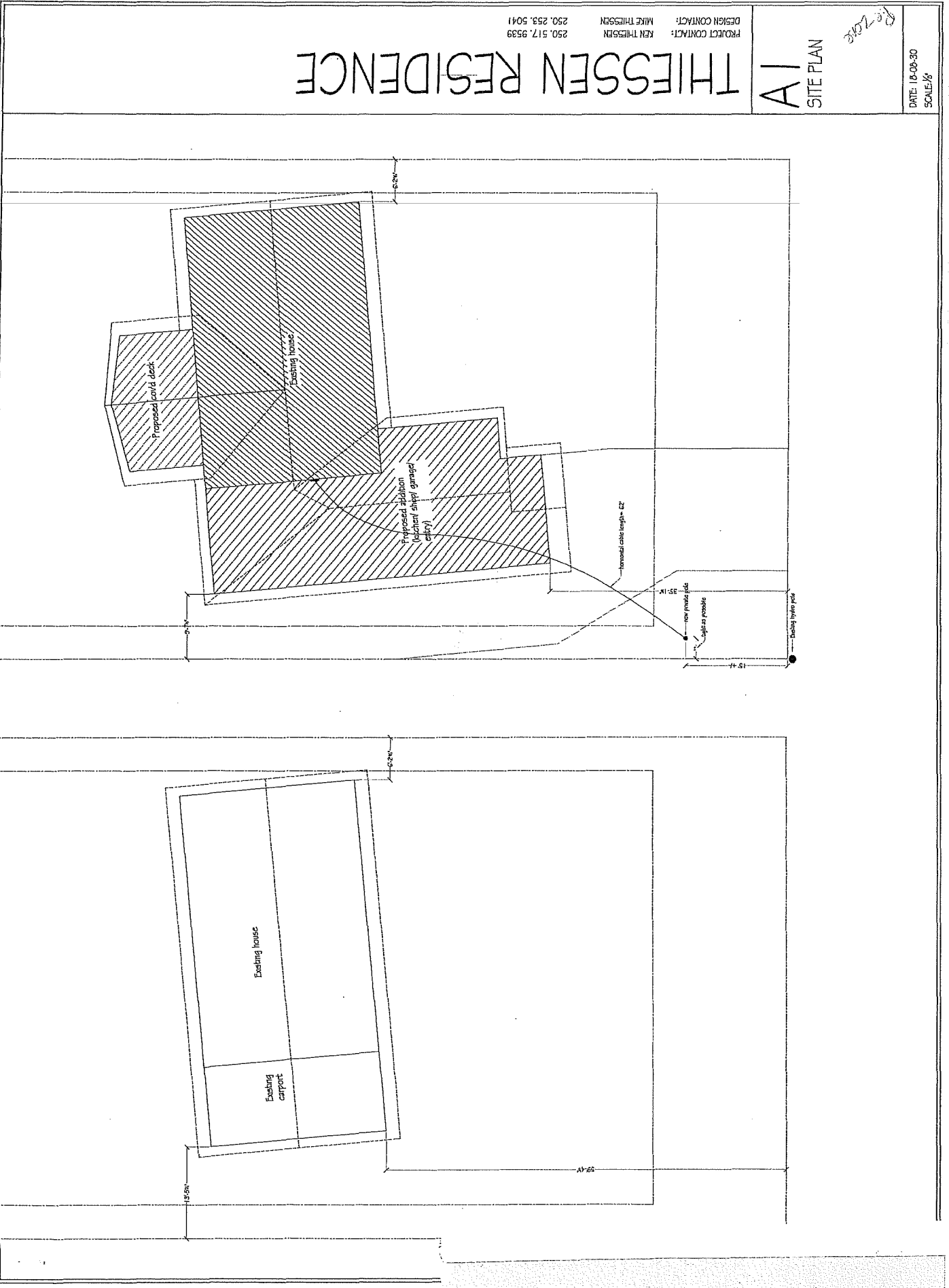


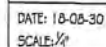
View south-east of subject parcel from 16 Avenue NE.



View south-west of subject parcel from 16 Avenue NE.

Appendix 6: Site Plans





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City of Salmon Arm

Development Services Department Memorandum

TO: His Worship Mayor Harrison and Members of Council

DATE: October 23, 2018

SUBJECT: Cannabis Retail Store Application No. 1 (CRS-1)
Provincial Cannabis Referral No. 000839 - Received September 14, 2018

Applicant: The Greenery Cannabis Boutique Ltd.
Property Owner: Layston Developments Corp. / Nova Capital Ltd.
Civic Address: 190 Trans Canada Highway NE

STAFF RECOMMENDATION

THAT: By a Resolution, Council approve application CRS-1;

AND THAT: Council has considered its resolution with respect to the following:

1. Provincial Cannabis Retail Store Licence Referral No. #000839
2. City Zoning Bylaw No. 2303 and City Policy No. 3.20; and
3. Public notification followed by the holding of a Hearing on November 13, 2018.

PROPOSAL

The applicant is proposing start a cannabis retail business within "Unit 2" of a one-story building comprised of two lease spaces addressed at 190 Trans Canada Highway NE (application background received from the Province and images of the property are attached).

BACKGROUND

CRS-1 is the first cannabis retail store application reviewed by City Council. The City was referred the related Provincial licence application on September 14, 2018.

The retail sale of cannabis became legalized under Federal law on October 17, 2018. The licencing control has been delegated to each Province. In BC, the new Liquor Cannabis Licencing Branch (LCLB) is the Primary licencing authority over cannabis retail stores. In turn, the Province's licencing and approvals system relies significantly on local government responses to LCLB applications.

In anticipation of the Federal Cannabis Act along with the new Provincial licencing regulations both now in effect, the City adopted Cannabis Retail Store Policy No. 3.20 on August 27, 2018 (Policy attached).

Cannabis Retail Store Policy No. 3.20

The subject property is located within the "Core Commercial Area" of the Policy; an area that supports a maximum of four (4) LCLB licenced and City approved cannabis retails stores. Public notification of the application proposal and Hearing date will be completed in accordance with Section E) 5. of the Policy. All properties within 30 m of the subject property will be mailed notification and one advertisement of the public notice in the Salmon Arm Observer will be advertized before the scheduled Hearing date.

Application CRS-1

Zoning Bylaw No. 2303

The C-2 zoning of the subject property permits the use of a retail store.

Business Licence Regulation Bylaw No. 3102

CRS-1 is not a City Business Licence application. If Council approves application CRS-1, followed by the LCLB issuing a Provincial Cannabis Retail Licence, a Business Licence can then be considered by the City's licencing staff. Considerations by staff for City Business Licences generally include a premise meeting BC Building and Fire Code requirements and Zoning Bylaw regulations.

Provincial (LCLB) Licencing

The LCLB is awaiting a resolution from City Council on this Provincial application before it considers the issuance of a Provincial Cannabis Retail Licence. The attached letters from the LCLB refers to its staff having conducted a "fit and proper" assessment which includes financial and security background checks of the proprietor.

STAFF COMMENTS

Building Department

No concerns, subject to any relevant Building Code requirements that will be confirmed with a City Business Licence application.

Fire Department

No concerns, subject to any relevant Fire Code requirements that will be confirmed with a City Business Licence application.

RCMP

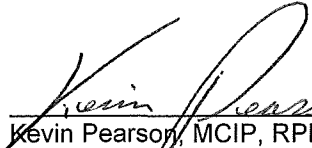
The proposal meets the spirit of City Policy No. 320; however there is some concern with the close proximity of the storefront to Fletcher Park.

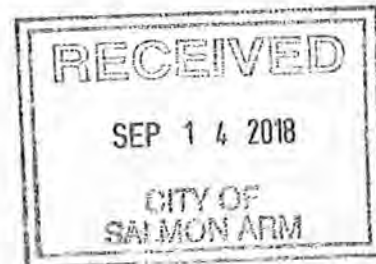
Planning Department

The lease area - approximately 1,450 ft² - has been vacant for a number of years. Unit 1 of the same building is occupied by Ecotreats Bistro. The applicant has confirmed positive consultation with the owner of Ecotreats and intent to consult with other businesses near the subject property.

Further to the RCMP's concern, the storefront is slightly over 100 m in walking distance to the northwest entrance to Fletcher Park. According to the new Provincial cannabis regulations, the consumption of cannabis is prohibited within public parks with playgrounds and other recreation facilities used by minors.

The proposal meets the City's OCP policies, Zoning Bylaw and Cannabis Retail Store Policy No. 3.20. The location, site and building are regarded by the undersigned as being suitable for a retail store intending to sell legal cannabis.


Kevin Pearson, MCIP, RPP
Director of Development Services



Job # 000839

September 14, 2018

Kevin Pearson
 Director of Development Services
 City of Salmon Arm
 Box 40, 500 2 Ave NE
 Salmon Arm BC V1E 4N2

Dear: Kevin Pearson

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: Michael Poulton
Proposed Establishment Name: The Greenery Cannabis Boutique
Proposed Establishment Location: Unit 2 – 190 Trans Canada Highway NE

The Applicant, Michael Poulton, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant is requesting operating hours from 9:00 am to 11:00 pm. The applicant contact is Michael Poulton/306-216-0479/mike.poulton@live.ca.

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the [Cannabis Control and Licensing Act](#) prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting the City of Salmon Arm to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

[Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores](#)

OR

[Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores](#)

The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a “fit and proper” assessment, which is comprised of financial integrity checks and security screenings of the applicant and persons associated with the applicant. Once the

Liquor and Cannabis
 Regulation Branch

Mailing Address:
 PO Box 9292 Stn Prov Govt
 Victoria BC V8W 9J8

Location:
 645 Tyee Road
 Victoria BC V9A 6X5
 Phone: 250 952-5787
 Facsimile: 250 952-7066

Website:
www.gov.bc.ca/cannabisregulationandlicensing

assessment is complete, you will be notified of the LCRB's determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant's suitability.

If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application please contact me at 778-698-3135/
TanyaLynn.Frey@gov.bc.ca.

Sincerely,



Senior Licensing Analyst

Attachment

copy: LCRB Inspector
Michael Poulton



Job # 000839

October 22, 2018

Kevin Pearson/Denise Ackerman
 Development Services
 City of Salmon Arm
 500 2nd Ave. NE

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: The Greenery Cannabis Boutique Ltd.
Proposed Establishment Name: The Greenery Cannabis Boutique
Proposed Establishment Location: 2 – 190 Trans Canada Hwy NE, Salmon Arm

The Liquor and Cannabis Regulation Branch (LCRB) has completed the required financial integrity checks and security screenings for The Greenery Cannabis Boutique Ltd, and persons associated with The Greenery Cannabis Boutique Ltd.

One of the requirements that must be met before the issuance of a Non-Medical Cannabis Retail Store Licence (CRS) under the *Cannabis Control and Licensing Act* is a positive recommendation from the local government and/or Indigenous nation of the area in which the proposed retail store is located. The General Manager must take the recommendation into account in deciding whether to issue the CRS to the applicant.

If the local government or Indigenous nation chooses not to make a recommendation regarding this application, please contact the LCRB at the earliest convenience.

For more information on the local government and Indigenous nation role please see the following links:

https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf

OR

https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/indigenous_nation_role_in_licensing_cannabis_retail_stores.pdf

If you have any questions please feel free to contact me at 778 698 9082.

Sincerely,

Erica Owsianski
 Senior Licensing Analyst

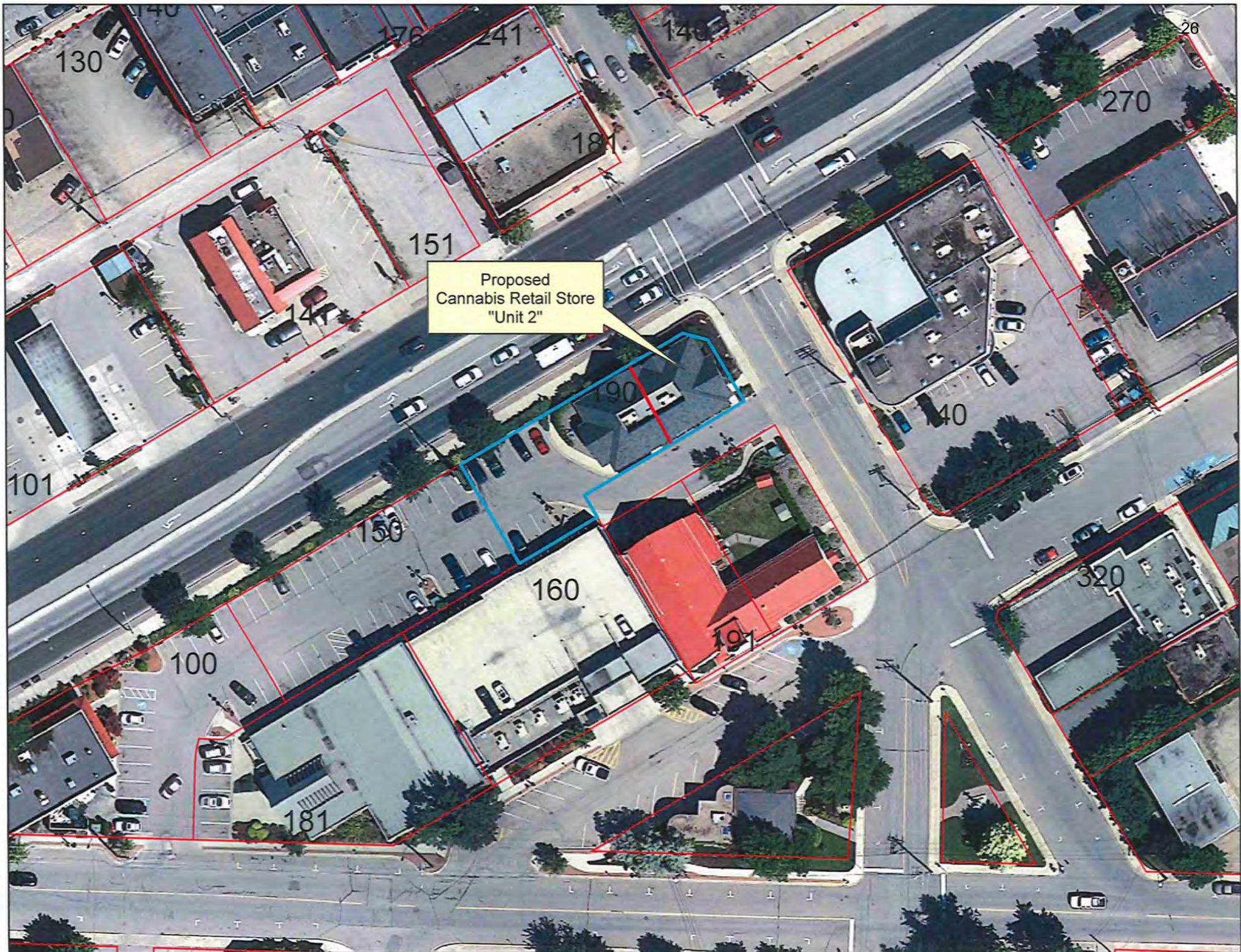
copy: Applicant
 Provincial Director, Compliance

**Liquor and Cannabis
 Regulation Branch**

Mailing Address:
 PO Box 9292 Stn Prov Govt
 Victoria BC V8W 9J8

Location:
 645 Tyee Road
 Victoria BC V9A 6X5
 Phone: 250 952-5787
 Facsimile: 250 952-7066

Website:
www.gov.bc.ca/cannabisregulationandlicensing







CITY OF SALMON ARM

POLICY NO. 3.20

A) TOPIC: Cannabis Retail Stores – Policy and Application Procedures

B) GENERAL:

1. The City of Salmon Arm recognizes the retail sale of cannabis as being a permissive activity and land use subject to:
 - a) Adherence to Federal and Provincial laws and regulations;
 - b) Provincial licencing approval;
 - c) Adherence to City bylaws and regulations; and
 - d) City business licencing approval.
2. The City's Zoning Bylaw permits the retail sale of goods including cannabis in various commercial zones; however, despite the zoning of a property, the location of a retail store intending to sell cannabis must be approved by a City Council resolution and Provincial approval.
3. City Council will, at its discretion, consider a recommendation of approval or not of a retail store intending to sell cannabis during its formal review of a cannabis retail licence application referred to the City by the Province of British Columbia.
4. During its review of a Provincial application, City Council may or may not consider the location preference criteria of this policy.
5. This policy is intended to serve merely as guidelines and does not bind City Council in its decision making process.
6. Application review procedures for cannabis retail stores are outlined in Section E) of this policy.
7. The City deems the Federal and Provincial governments as being responsible for the monitoring and enforcement of its laws and regulations pertaining to cannabis retail sales.

C) ZONING BYLAW:

The City of Salmon Arm's Zoning Bylaw No. 2303 allows cannabis retail sales under the defined uses *retail store* and *convenience store* as permitted in the following zones:

- C-1 Neighbourhood Commercial
- C-2 Town Centre Commercial Zone
- C-3 Service Commercial Zone
- C-6 Tourist/Recreation Commercial Zone
- C-7 Shopping Centre Commercial Zone
- CD-8 Comprehensive Development Zone (*Wal-Mart Smart REIT Site*)
- CD-9 Comprehensive Development Zone (*Askew's Uptown and S.A.S.C.U. Site*)
- CD-16 Comprehensive Development Zone (*The Hive*)

D) LOCATION PREFERENCE CRITERIA:

- The site and location of a cannabis retail store shall be zoned correctly and in accordance with the City's Zoning Bylaw.

- Cannabis retail stores should be located within the boundary of the "Commercial Area" shown on Map 1 attached to this policy.
- No more than four (4) cannabis retail stores should be located within the "Core Commercial Area" shown on Map 1-A.
- The existing commercial area of Canoe in the vicinity of the 50 Street and Canoe Beach Drive NE intersection may be deemed as being appropriate for a cannabis retail store, subject to correct commercial zoning.
- Cannabis retail stores should be located beyond 500 m of a school (measurement determined by City staff).
- Cannabis retail stores should not be located within a building containing residential units.

E) CITY APPLICATION REVIEW PROCEDURES:

1. The City will prioritize the review of Provincial cannabis retail store applications in order of the date and time each referral is date stamped received and only after the Business Licence application fees are paid in full to the City.
2. The Business Licence application fees for a cannabis retail store are set out in the City's Fee for Service Bylaw. The fees include a non-refundable surcharge to cover public notification and application processing time.
3. City staff will review the application and provide a brief written report to Council on whether or not the proposed site and location meets the criteria of this policy.
4. City staff will schedule a Hearing on the application that is open for public input on the date of a Regular Council meeting. The applicant is expected to attend the Hearing in order to present the proposal and answer questions from Council and the public.
5. The particulars of the application proposal, the Hearing date, along with time and location of the Regular Council meeting will be advertised one-time in the weekly local newspaper. Notices of the Hearing and application proposal will be delivered to the applicant and to all persons who own, reside or operate a business on property within 30 m of the proposed cannabis retail site. Notices will be delivered at least 10 days prior to a scheduled Hearing.
6. The associated City staff report and public input received will be on the agenda of the Regular Council meeting when the Hearing date is scheduled.
7. City Council will render its recommendation on the Provincial application with a formal resolution after and likely on the same date as the Hearing.
8. Subsequent to the Council meeting, City staff will provide the Province with its recommendation (i.e. the Council resolution), the City staff report, written public input and a record of the input received at the Hearing on the application.
9. Prior to issuance of a Business Licence issuance, City staff from the Building and Fire Departments will inspect the premise to ascertain compliance with BC Building and Fire Codes. Furthermore, approval of the cannabis retail business by way of proof of Province licensing is a key condition for issuance of a City Business Licence.

Policy 3.20

Adopted by Council this 27 day of August, 2018.

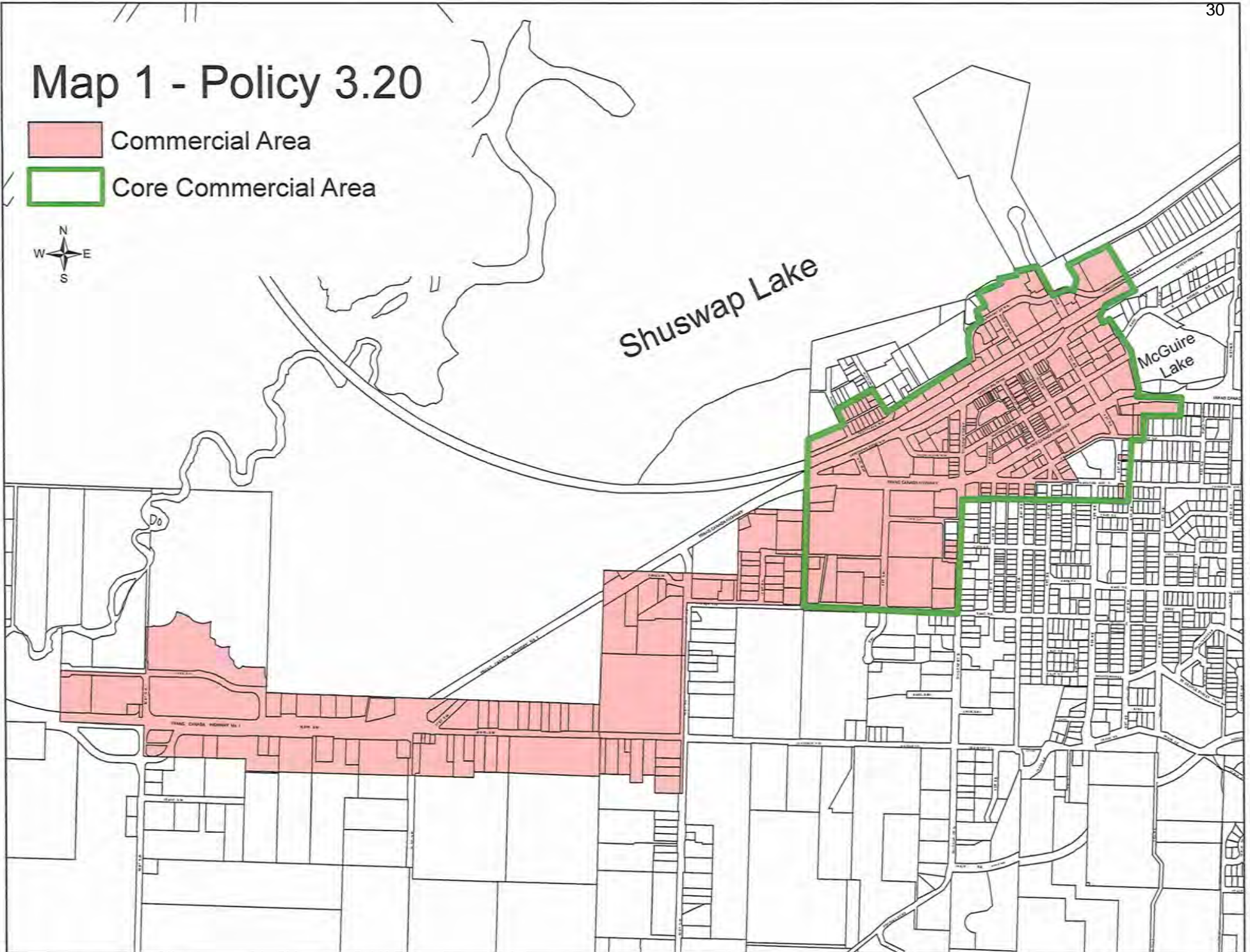
Map 1 - Policy 3.20

-  Commercial Area
-  Core Commercial Area



Shuswap Lake

McGuire Lake





City of Salmon Arm

Development Services Department Memorandum

TO: His Worship Mayor Harrison and Members of Council

DATE: October 23, 2018

SUBJECT: Cannabis Retail Store Application No. 2 (CRS-2)
Provincial Cannabis Referral No. 000972 - Received September 17, 2018

Applicant: Zen Canna Retail Corp.
Owner: SRG West Arm Holdings Ltd.
Civic Address: 51-2801 10 Avenue NE

STAFF RECOMMENDATION

THAT: By a Resolution, Council deny application CRS-2;

AND THAT: Council has considered its resolution with respect to the following:

1. Provincial Cannabis Retail Store Licence Referral No. #000972
2. City Zoning Bylaw No. 2303 and City Policy No. 3.20; and
3. Public notification followed by the holding of a Hearing on November 13, 2018.

PROPOSAL

The applicant is proposing start a cannabis retail business at 51 2801 10 Avenue NE within the commercial retail building, adjacent to the Mac's Store / Shell Gas Station, just off of the Trans Canada Highway NE (application background, an aerial image, and site photos of the property are attached).

BACKGROUND

CRS-2 is one of the first cannabis retail store applications reviewed by City Council. The City was referred the related Provincial licence application on September 17, 2018.

The retail sale of cannabis became legalized under Federal law on October 17, 2018. The licencing control has been delegated to each Province. In BC, the new Liquor Cannabis Licencing Branch (LCLB) is the Primary licencing authority over cannabis retail stores. In turn, the Province's licencing and approvals system relies significantly on local government responses to LCLB applications.

In anticipation of the Federal Cannabis Act along with the new Provincial licencing regulations both now in effect, the City adopted Cannabis Retail Store Policy No. 3.20 on August 27, 2018 (Policy attached).

Cannabis Retail Store Policy No. 3.20

The subject property fails to meet the Location Preference Criteria of the City Policy as it is not located within either the "Commercial Area" or the "Core Commercial Area" of the Policy, and it is within 500 metres of schools.

Application CRS-2

Public notification of the application proposal and Hearing date will be completed in accordance with Section E) 5. of the Policy. All properties within 30 m of the subject property will be mailed notification and one advertisement of the public notice in the Salmon Arm Observer will be advertized before the scheduled Hearing date.

Zoning Bylaw No. 2303

The C-3 zoning of the subject property permits the use of a retail store.

Business Licence Regulation Bylaw No. 3102

CRS-2 is not a City Business Licence application. If Council approves application CRS-2, followed by the LCLB issuing a Provincial Cannabis Retail Licence, a Business Licence can then be considered by the City's licencing staff. Considerations by staff for City Business Licences generally include a premise meeting BC Building and Fire Code requirements and Zoning Bylaw regulations.

Provincial (LCLB) Licencing

The LCLB is awaiting a resolution from City Council on this Provincial application before it considers the issuance of a Provincial Cannabis Retail Licence. The attached letter from the LCLB refers to its staff conducting a "fit and proper" assessment which includes various background checks of the proprietor.

STAFF COMMENTS

Building Department

No concerns, subject to any relevant Building Code requirements that will be confirmed with a City Business Licence application. The existing fire separation between Mercantile use suites is satisfactory for the intended occupancies.

RCMP

The proximity to two schools with students who frequent the area is of concern to the RCMP. Our office would urge the city to invoke their regulations and policies and deny the request.

Planning Department

Over the past several months, the applicant has been actively in communication with City staff focusing on this site as it relates to City policy. During these communications, staff have noted the risk involved in this particular location. Prior to the adoption of City Policy No. 320, staff advised the applicant that this particular site may be directly impacted by potential proximity guidelines relative to multiple schools.

While the proposal meets the City's Zoning Bylaw, it does not meet the Cannabis Retail Store Policy No. 3.20. As such, the location, site and building are regarded by staff to be unsuitable for a retail store intending to sell legal cannabis.


 Kevin Pearson MCIP, RPP
 Director of Development Services



Job #000972

September 17, 2018

Mr. Kevin Pearson
 Director of Development Services
 Salmon Arm, BC
 Email: kpearson@salmonarm.ca

Dear Mr. Pearson:

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: Zen Canna Retail Corp.
Proposed Establishment Name: Zen Canna
Proposed Establishment Location: 51 – 2801 10th Avenue, Salmon Arm

The Applicant, Zen Canna Retail Corp, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant is requesting operating hours from 9:00 AM to 11:00 PM. The applicant contact is Ian Burak at info@zencanna.ca.

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the [Cannabis Control and Licensing Act](#) prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting *SPECIFIC LG/IN (COUNCIL/BOARD)* to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a "fit and proper" assessment, which is comprised of financial integrity checks and security screenings of the applicant and persons associated with the applicant. Once the assessment is complete, you will be notified of the LCRB's determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant's suitability.

Liquor and Cannabis
 Regulation Branch

Mailing Address:
 PO Box 9292 Stn Prov Govt
 Victoria BC V8W 9J8

Location:
 645 Tye Road
 Victoria BC V9A 6X5
 Phone: 250 952-5787
 Facsimile: 250 952-7066

Website:
[www.gov.bc.ca/cannabisregulation
 andlicensing](http://www.gov.bc.ca/cannabisregulationandlicensing)

Appendix 1

If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application please contact me at 778-698-9036 or Vicky.Tooby@gov.bc.ca.

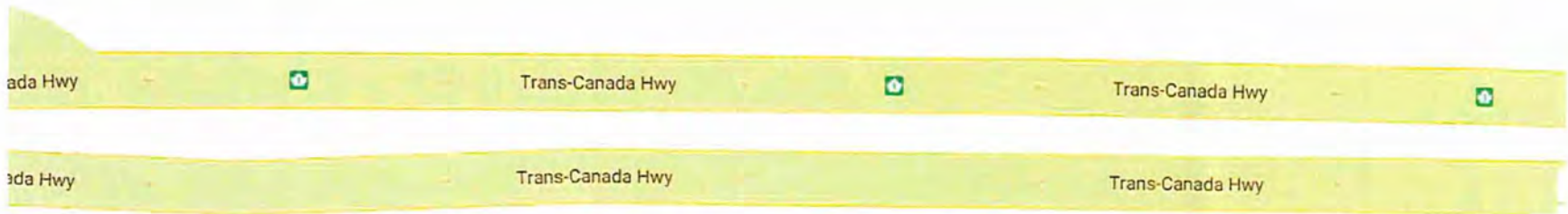
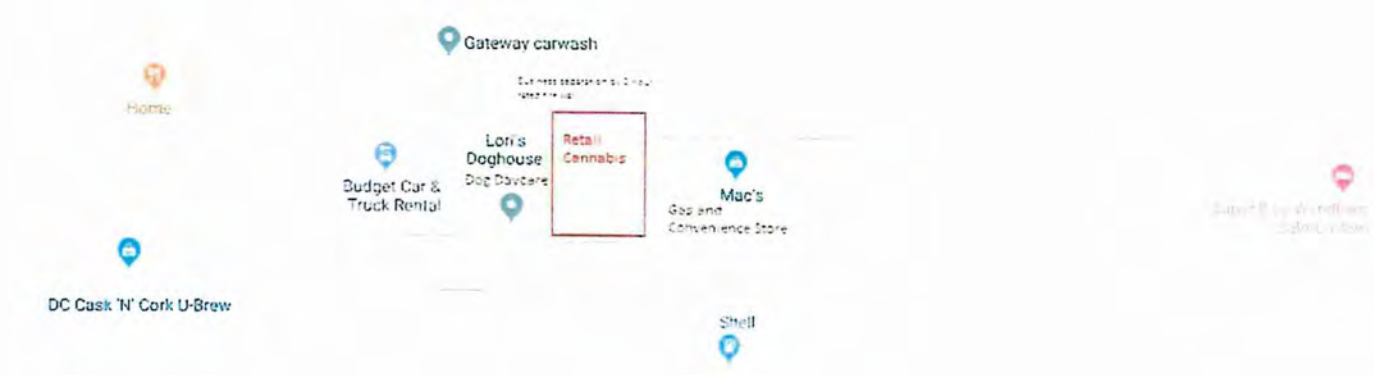
Sincerely,



Vicky Tooby
Senior Licensing Analyst

Attachment: Site Map

copy: LCRB Inspector
Ian Burak, Zen Canna Retail Corp.





0 12.5 25 50 75 100 Meters



Subject Parcel

Appendix 3



View north-east of proposed site.



View north-west of proposed site.



CITY OF SALMON ARM

POLICY NO. 3.20

A) TOPIC: Cannabis Retail Stores – Policy and Application Procedures

B) GENERAL:

1. The City of Salmon Arm recognizes the retail sale of cannabis as being a permissive activity and land use subject to:
 - a) Adherence to Federal and Provincial laws and regulations;
 - b) Provincial licencing approval;
 - c) Adherence to City bylaws and regulations; and
 - d) City business licencing approval.
2. The City's Zoning Bylaw permits the retail sale of goods including cannabis in various commercial zones; however, despite the zoning of a property, the location of a retail store intending to sell cannabis must be approved by a City Council resolution and Provincial approval.
3. City Council will, at its discretion, consider a recommendation of approval or not of a retail store intending to sell cannabis during its formal review of a cannabis retail licence application referred to the City by the Province of British Columbia.
4. During its review of a Provincial application, City Council may or may not consider the location preference criteria of this policy.
5. This policy is intended to serve merely as guidelines and does not bind City Council in its decision making process.
6. Application review procedures for cannabis retail stores are outlined in Section E) of this policy.
7. The City deems the Federal and Provincial governments as being responsible for the monitoring and enforcement of its laws and regulations pertaining to cannabis retail sales.

C) ZONING BYLAW:

The City of Salmon Arm's Zoning Bylaw No. 2303 allows cannabis retail sales under the defined uses *retail store* and *convenience store* as permitted in the following zones:

- C-1 Neighbourhood Commercial
- C-2 Town Centre Commercial Zone
- C-3 Service Commercial Zone
- C-6 Tourist/Recreation Commercial Zone
- C-7 Shopping Centre Commercial Zone
- CD-8 Comprehensive Development Zone (*Wal-Mart Smart REIT Site*)
- CD-9 Comprehensive Development Zone (*Askew's Uptown and S.A.S.C.U. Site*)
- CD-16 Comprehensive Development Zone (*The Hive*)

D) LOCATION PREFERENCE CRITERIA:

- The site and location of a cannabis retail store shall be zoned correctly and in accordance with the City's Zoning Bylaw.

- Cannabis retail stores should be located within the boundary of the “Commercial Area” shown on Map 1 attached to this policy.
- No more than four (4) cannabis retail stores should be located within the “Core Commercial Area” shown on Map 1-A.
- The existing commercial area of Canoe in the vicinity of the 50 Street and Canoe Beach Drive NE intersection may be deemed as being appropriate for a cannabis retail store, subject to correct commercial zoning.
- Cannabis retail stores should be located beyond 500 m of a school (measurement determined by City staff).
- Cannabis retail stores should not be located within a building containing residential units.

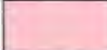

E) CITY APPLICATION REVIEW PROCEDURES:

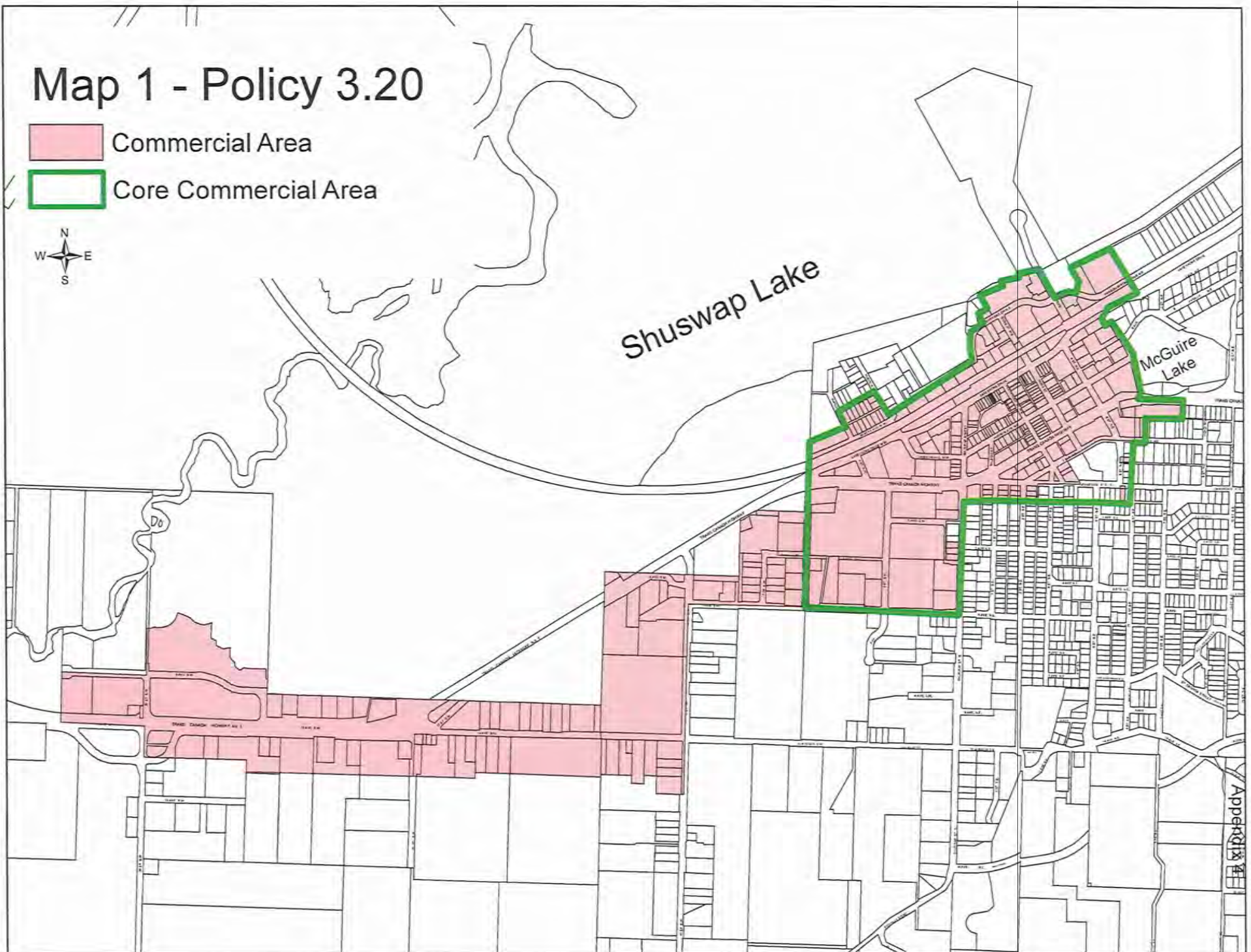
1. The City will prioritize the review of Provincial cannabis retail store applications in order of the date and time each referral is date stamped received and only after the Business Licence application fees are paid in full to the City.
2. The Business Licence application fees for a cannabis retail store are set out in the City’s Fee for Service Bylaw. The fees include a non-refundable surcharge to cover public notification and application processing time.
3. City staff will review the application and provide a brief written report to Council on whether or not the proposed site and location meets the criteria of this policy.
4. City staff will schedule a Hearing on the application that is open for public input on the date of a Regular Council meeting. The applicant is expected to attend the Hearing in order to present the proposal and answer questions from Council and the public.
5. The particulars of the application proposal, the Hearing date, along with time and location of the Regular Council meeting will be advertised one-time in the weekly local newspaper. Notices of the Hearing and application proposal will be delivered to the applicant and to all persons who own, reside or operate a business on property within 30 m of the proposed cannabis retail site. Notices will be delivered at least 10 days prior to a scheduled Hearing.
6. The associated City staff report and public input received will be on the agenda of the Regular Council meeting when the Hearing date is scheduled.
7. City Council will render its recommendation on the Provincial application with a formal resolution after and likely on the same date as the Hearing.
8. Subsequent to the Council meeting, City staff will provide the Province with its recommendation (i.e. the Council resolution), the City staff report, written public input and a record of the input received at the Hearing on the application.
9. Prior to issuance of a Business Licence issuance, City staff from the Building and Fire Departments will inspect the premise to ascertain compliance with BC Building and Fire Codes. Furthermore, approval of the cannabis retail business by way of proof of Province licensing is a key condition for issuance of a City Business Licence.

Policy 3.20

Adopted by Council this 27 day of August, 2018.

Map 1 - Policy 3.20

-  Commercial Area
-  Core Commercial Area



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City of Salmon Arm

Development Services Department Memorandum

TO: His Worship Mayor Harrison and Members of Council

DATE: October 22, 2018

SUBJECT: Cannabis Retail Store Application No. 3 (CRS-3)
Provincial Cannabis Referral No. 1078 - Received October 5, 2018

Applicant: Salmon Arm Liquor Store Ltd. (P. Brede and G. Erickson)
Property Owner: Shuswap Park Holdings (B. Laird)
Civic Address: 111 Lakeshore Drive NE

STAFF RECOMMENDATION

THAT: By a Resolution, Council approve application CRS-3;

AND THAT: Council has considered its resolution with respect to the following:

1. Provincial Cannabis Retail Store Licence Referral No. #1078
2. City Zoning Bylaw No. 2303 and City Policy No. 3.20; and
3. Public notification followed by the holding of a Hearing on November 13, 2018.

PROPOSAL

The applicant is proposing start a cannabis retail business within a portion of the downtown Liquor Store on Lakeshore Drive (application background, an aerial image of the property, and site photos are attached).

BACKGROUND

CRS-3 is one of the first cannabis retail store application reviewed by City Council. The City was referred the related Provincial licence application on September 28, 2018.

The retail sale of cannabis became legalized under Federal law on October 17, 2018. The licencing control has been delegated to each Province. In BC, the new Liquor Cannabis Licencing Branch (LCLB) is the Primary licencing authority over cannabis retail stores. In turn, the Province's licencing and approvals system relies significantly on local government responses to LCLB applications.

In anticipation of the Federal Cannabis Act along with the new Provincial licencing regulations both now in effect, the City adopted Cannabis Retail Store Policy No. 3.20 on August 27, 2018 (Policy attached).

Cannabis Retail Store Policy No. 3.20

The subject property is located within the "Core Commercial Area" of the Policy; an area that supports a maximum of four (4) LCLB licenced and City approved cannabis retails stores. Public notification of the application proposal and Hearing date will be completed in accordance with Section E) 5. of the Policy. All properties within 30 m of the subject property will be mailed notification and one advertisement of the public notice in the Salmon Arm Observer will be advertized before the scheduled Hearing date.

Application CRS-3

Zoning Bylaw No. 2303

The C-2 zoning of the subject property permits the use of a retail store.

Business Licence Regulation Bylaw No. 3102

CRS-3 is not a City Business Licence application. If Council approves application CRS-3, followed by the LCLB issuing a Provincial Cannabis Retail Licence, a Business Licence can then be considered by the City's licencing staff. Considerations by staff for City Business Licences generally include a premise meeting BC Building and Fire Code requirements and Zoning Bylaw regulations.

Provincial (LCLB) Licencing

The LCLB is awaiting a resolution from City Council on this Provincial application before it considers the issuance of a Provincial Cannabis Retail Licence. The attached letter from the LCLB refers to its staff conducting a "fit and proper" assessment which includes various background checks of the proprietor.

STAFF COMMENTS

Building Department

BCBC requires a 45 min. rated fire separation between the mercantile occupancies.

Fire Department

No concerns, subject to any relevant Fire Code requirements that will be confirmed with a City Business Licence application.

RCMP

From an RCMP perspective it appears that this location is in proximity to a liquor outlet and is in fact a re assignment of floor space in an existing Liquor outlet. In reviewing the schematic the store does not include facilities for employees such as a break room or evacuation route in case of emergency at the front of the store. The location is also within a short proximity to the downtown public transit hub which may be a concern moving forward and council should consider this in their approval process.

Planning Department

The proposed retail area - approximately 495 ft² - is currently a space that is within the existing liquor store: the intent is to develop a completely separate store with its own storefront and independent entrance. There are a range of businesses and retail services in the adjacent lease spaces.

The proposal meets the City's Zoning Bylaw and Cannabis Retail Store Policy No. 3.20. The location, site and building are regarded by staff to be suitable for a retail store intending to sell legal cannabis.


 Kevin Pearson, MCIP, RPP
 Director of Development Services



Job # 1078

September 28, 2018

Kevin Pearson
 Director of Development Services
 City of Salmon Arm
 Box 40
 500 2 Ave. NE
 Salmon Arm, BC V1E 4N2

Via Email: kpearson@salmonarm.ca

Dear Kevin Pearson,

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: Salmon Arm Liquor Store Ltd. (Pat Brede)
Proposed Establishment Name: Downtown Cannabis
Proposed Establishment Location: 111 Lakeshore Drive NE, in Salmon Arm

The Applicant, Salmon Arm Liquor Store Ltd., has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant is requesting operating hours from 9:00 AM to 1:00 PM, seven days a week. The applicant contact is Pat Brede and can be reached at 250-463-9951, or via email at pat@hideawayliquor.com.

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the *Cannabis Control and Licensing Act* prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting the City of Salmon Arm to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores
 OR
Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores

Liquor and Cannabis
 Regulation Branch

Mailing Address:
 PO Box 9292 Stn Prov Govt
 Victoria BC V8W 9J8

Location:
 645 Tyee Road
 Victoria BC V9A 6X5
 Phone: 250 952-5787
 Facsimile: 250 952-7066

Website:
[www.gov.bc.ca/cannabisregulation
 andlicensing](http://www.gov.bc.ca/cannabisregulationandlicensing)

Appendix 1

The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a “fit and proper” assessment, which is comprised of financial integrity checks and security screenings of the applicant and persons associated with the applicant. Once the assessment is complete, you will be notified of the LCRB’s determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant’s suitability.

If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application please contact me at 778-698-9084 or by email at teresa.cinco@gov.bc.ca.

Sincerely,



Teresa Cinco
Senior Licensing Analyst
Liquor and Cannabis Regulation Branch

Attachment – Site Map(s)

copy: LCRB Inspector
Salmon Arm Liquor Store Ltd. (Pat Brede)

BROWNE JOHNSON LAND SURVEYORS

BRITISH COLUMBIA AND CANADA LANDS

Box 362, Salmon Arm, B.C. V1E 4N5 (250)832-9701

B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

To: Shuswap Park Holdings Ltd.,
PO Box 249,
Salmon Arm, BC
VOE 2T0
Your File:

Re: Lot 1, Section 14, Township 20,
Range 10, W6M, KDYD, Plan 33976

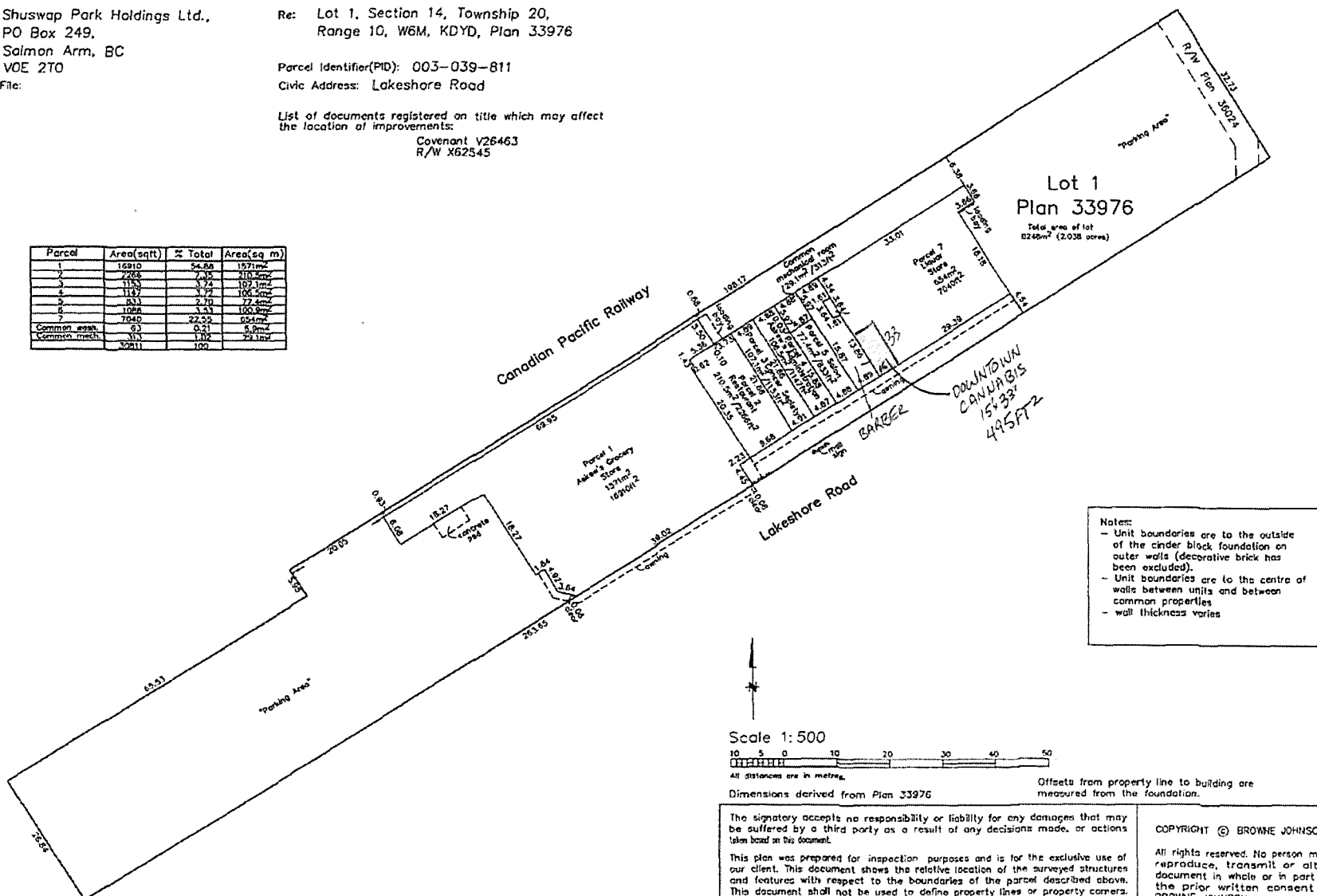
Parcel Identifier(PID): 003-039-811

Civic Address: Lakeshore Road

List of documents registered on title which may affect
the location of improvements:

Covenant V26463
R/W X62545

Parcel	Area(sqft)	% Total	Area(sq. m)
1	16810	54.58	1571m ²
2	2288	7.05	2104m ²
3	1153	3.74	1071m ²
4	1147	3.72	1064m ²
5	1631	5.00	1514m ²
6	1088	3.33	1008m ²
7	7040	22.52	654m ²
Common area	93	0.28	8.6m ²
Common road	11	0.03	1.0m ²
Total	32611	100	3031m ²



BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. Ph: (250)832-9701
Our File: B-13 8-13.raw

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

This plan was prepared for inspection purposes and is for the exclusive use of our client. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

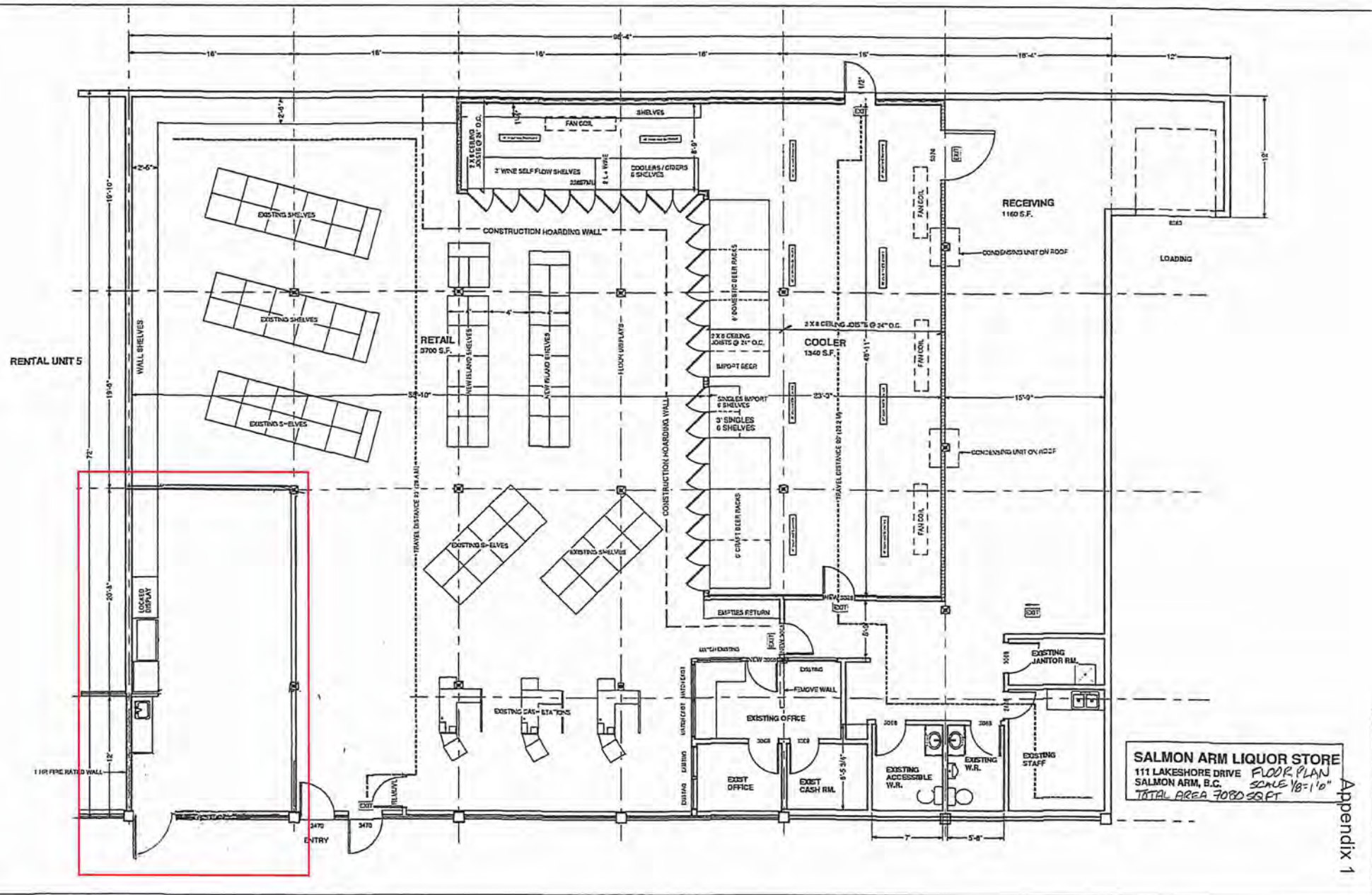
This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 22nd day of January, 2013.

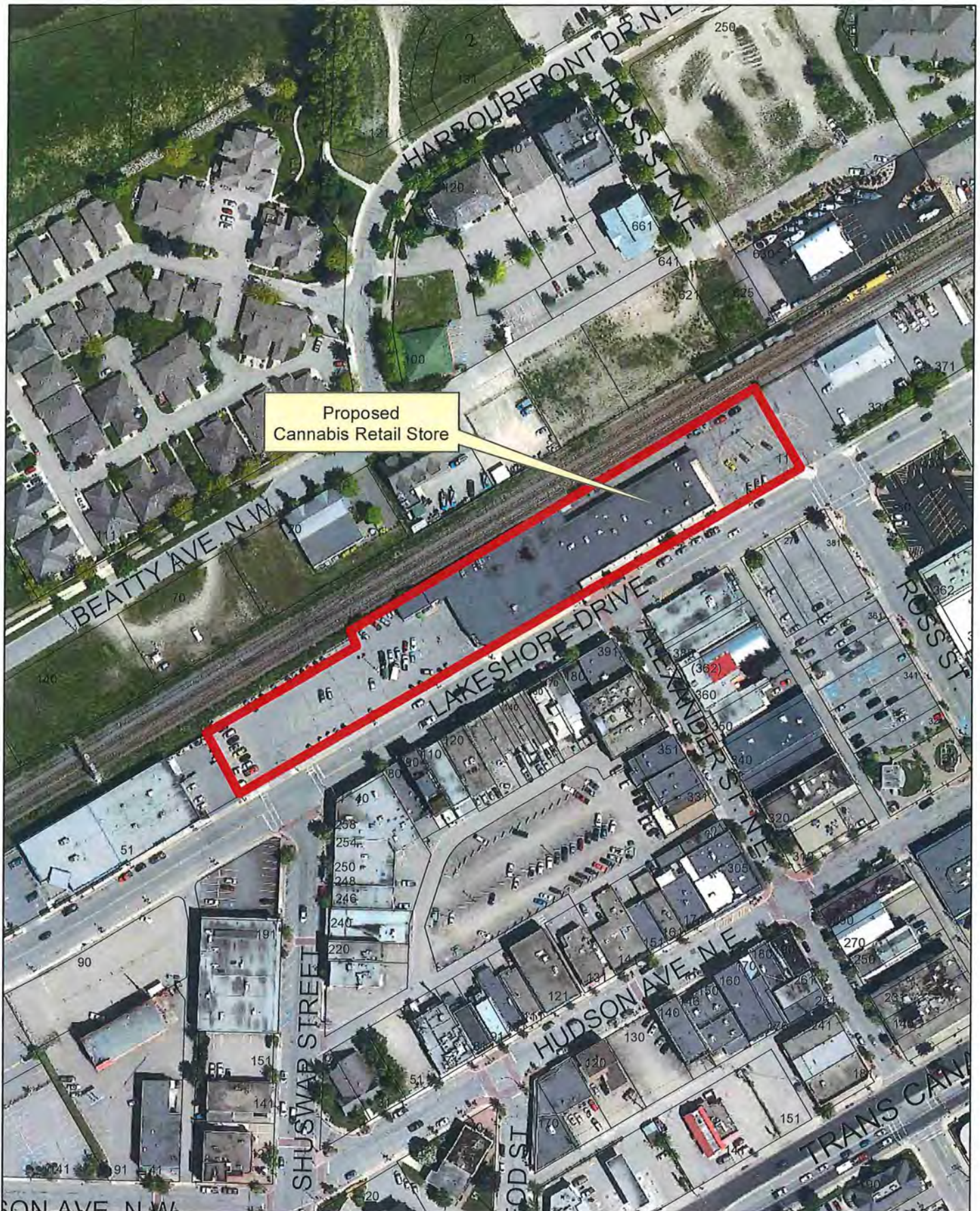
BCLS

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All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the prior written consent of BROWNE JOHNSON.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.





0 20 40 80 120 160 Meters



Subject Parcel



View north-east of proposed site.



View north-west of proposed site.



CITY OF SALMON ARM

POLICY NO. 3.20

A) TOPIC: Cannabis Retail Stores – Policy and Application Procedures

B) GENERAL:

1. The City of Salmon Arm recognizes the retail sale of cannabis as being a permissive activity and land use subject to:
 - a) Adherence to Federal and Provincial laws and regulations;
 - b) Provincial licencing approval;
 - c) Adherence to City bylaws and regulations; and
 - d) City business licencing approval.
2. The City's Zoning Bylaw permits the retail sale of goods including cannabis in various commercial zones; however, despite the zoning of a property, the location of a retail store intending to sell cannabis must be approved by a City Council resolution and Provincial approval.
3. City Council will, at its discretion, consider a recommendation of approval or not of a retail store intending to sell cannabis during its formal review of a cannabis retail licence application referred to the City by the Province of British Columbia.
4. During its review of a Provincial application, City Council may or may not consider the location preference criteria of this policy.
5. This policy is intended to serve merely as guidelines and does not bind City Council in its decision making process.
6. Application review procedures for cannabis retail stores are outlined in Section E) of this policy.
7. The City deems the Federal and Provincial governments as being responsible for the monitoring and enforcement of its laws and regulations pertaining to cannabis retail sales.

C) ZONING BYLAW:

The City of Salmon Arm's Zoning Bylaw No. 2303 allows cannabis retail sales under the defined uses *retail store* and *convenience store* as permitted in the following zones:

- C-1 Neighbourhood Commercial
- C-2 Town Centre Commercial Zone
- C-3 Service Commercial Zone
- C-6 Tourist/Recreation Commercial Zone
- C-7 Shopping Centre Commercial Zone
- CD-8 Comprehensive Development Zone (*Wal-Mart Smart REIT Site*)
- CD-9 Comprehensive Development Zone (*Askew's Uptown and S.A.S.C.U. Site*)
- CD-16 Comprehensive Development Zone (*The Hive*)

D) LOCATION PREFERENCE CRITERIA:

- The site and location of a cannabis retail store shall be zoned correctly and in accordance with the City's Zoning Bylaw.

- Cannabis retail stores should be located within the boundary of the “Commercial Area” shown on Map 1 attached to this policy.
- No more than four (4) cannabis retail stores should be located within the “Core Commercial Area” shown on Map 1-A.
- The existing commercial area of Canoe in the vicinity of the 50 Street and Canoe Beach Drive NE intersection may be deemed as being appropriate for a cannabis retail store, subject to correct commercial zoning.
- Cannabis retail stores should be located beyond 500 m of a school (measurement determined by City staff).
- Cannabis retail stores should not be located within a building containing residential units.

E) CITY APPLICATION REVIEW PROCEDURES:

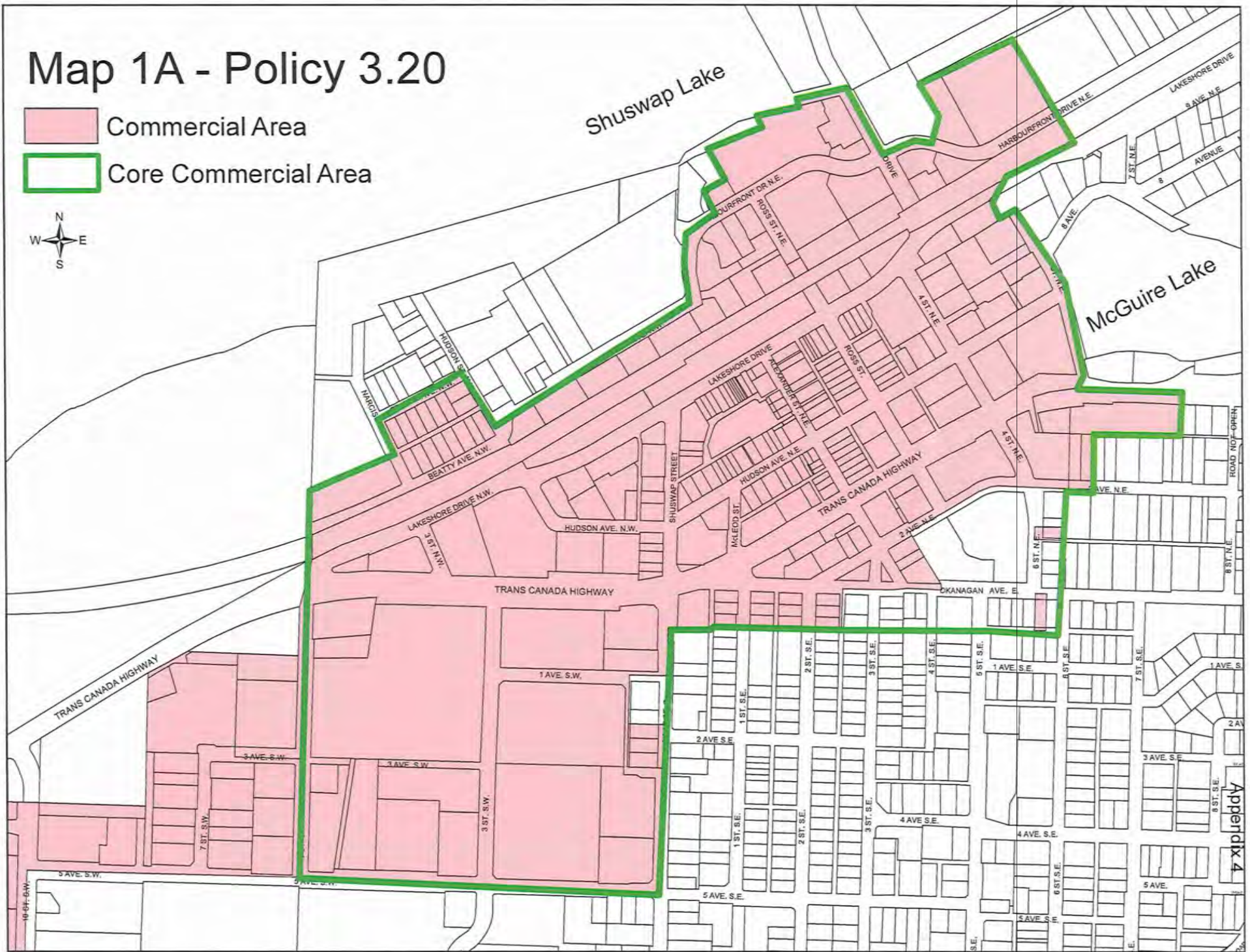
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3. City staff will review the application and provide a brief written report to Council on whether or not the proposed site and location meets the criteria of this policy.
4. City staff will schedule a Hearing on the application that is open for public input on the date of a Regular Council meeting. The applicant is expected to attend the Hearing in order to present the proposal and answer questions from Council and the public.
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7. City Council will render its recommendation on the Provincial application with a formal resolution after and likely on the same date as the Hearing.
8. Subsequent to the Council meeting, City staff will provide the Province with its recommendation (i.e. the Council resolution), the City staff report, written public input and a record of the input received at the Hearing on the application.
9. Prior to issuance of a Business Licence issuance, City staff from the Building and Fire Departments will inspect the premise to ascertain compliance with BC Building and Fire Codes. Furthermore, approval of the cannabis retail business by way of proof of Province licensing is a key condition for issuance of a City Business Licence.

Policy 3.20

Adopted by Council this 27 day of August, 2018.

Map 1A - Policy 3.20

- Commercial Area
- Core Commercial Area



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