



## Planning Application Information Sheet

**Application Type:** Rezoning

**File Number:** 3360-20/20210066

**Bylaw(s):** Chilcotin Area Rural Land Use Amendment Bylaw No. 5396, 2022

**Electoral Area:** J

**Date of Referral:** May 24, 2022

**Date of Application:** December 08, 2021

**Property Owner's Name(s):** ARICNIC ENTERPRISES LTD.

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### SECTION 1: Property Summary

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**Legal Description(s):** Lot A, District Lots 1618 and 1698, Range 3, Coast District, Plan 17288

**Property Size(s):** 0.99 ha (2.44 ac.)

**Area of Application:** 0.99 ha (2.44 ac.)

**Location:** 21140 Chilcotin Hwy 20

**Current Designation:**

N/A

**Min. Lot Size Permitted:**

N/A

**Current Zoning:**

General Commercial (C 1)

**Min. Lot Size Permitted:**

0.4 ha (0.98 ac.)

**Proposed Zoning:**

Special Exception C 1-2

**Min. Lot Size Permitted:**

0.4 ha (0.98 ac.)

**Proposal:** To allow for cannabis retail sales with a separate entrance from the existing general store.

**No. and size of Proposed Lots:** No new lots proposed.

**Existing Buildings:** General Store - 495 sq. m (5,328 sq. ft.)

Woodshed - 23.78 sq. m (256 sq. ft.)

**Proposed Buildings:** No new buildings; cannabis dispensary within existing store - 21.78 sq. m (234.44 sq. ft.)

**Road Name:** Chilcotin Bella Coola Hwy 20 (Not a Controlled Access Highway west of the Fraser River)

**Road Type:** Paved

**Within the influence of a Controlled Access Highway:** N/A

**Services Available:** Hydro, Telephone, Well, Sewage Disposal System;

**Within the confines of the Agricultural Land Reserve:** No

**Required to comply with the Shoreland Management Policy:** Yes - Septic Only

**Name of Lake/Contributing River:** Nimpo Lake

**Lake Classification:** High

**Within Development Permit Area:** No

**Adjoining Properties:** (Source: B.C.A.A.)

	Land Use:	Lot Sizes:
(a) North	063 2 Acres Or More (Manufactured Home)	1.82 ha (4.5 ac.)
	238 Seasonal Resort	11.43 ha (28.25 ac.)
(b) South	060 2 Acres Or More (Single Family Dwelling, Duplex)	1.33 ha (3.30 ac.)
	201 Vacant IC & I	0.58 ha (1.43 ac.) 0.96 ha (2.38 ac.)
	202 Store(S) And Living Quarters	0.36 ha (0.91 ac.)
	238 Seasonal Resort	2.34 ha (5.78 ac.)
(c) East	000 Single Family Dwelling	0.36 ha (0.91 ac.)
	060 2 Acres Or More (Single Family Dwelling, Duplex)	0.81 ha (2 ac.)
	201 Vacant IC & I	1.23 ha (3.04 ac.)

(d) West	000 Single Family Dwelling	0.52 ha (1.28 ac.)
	238 Seasonal Resort	0.79 ha (1.96 ac.) - 2.25 ha (5.58 ac.)

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## PLANNING COMMENTS

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### Background:

The applicant has requested to rezone a 0.99 ha (2.44 ac.) subject property from General Commercial (C 1) zone to Special Exception C 1-2 zone to allow for cannabis retail sales with a separate entrance from the existing 495 sq. m (5,328 sq. ft.) general store. A concurrent non-medical cannabis retail sales referral has been received from the BC Liquor and Cannabis Regulation Branch (LCRB); file 3370-20/20220039.

The property is currently zoned General Commercial (C 1) in the Chilcotin Area Rural Land Use Bylaw No. 3500, 1999, which permits for general commercial uses. The proposed special exception zone would add retail sales, cannabis to the list of permitted non-residential uses in the existing C 1 zone. As such, the only land use change associated with this rezoning application would be for the sale of cannabis products in accordance with provincial regulations. The proposed special exception zone reads as follows:

### 8.1.3 Special C 1 Zones

#### 8.1.3.2 Special Exception C 1-2 Zone (3360-20/20210066)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned C 1-2, the permitted non-residential uses shall include:

- (b) NON-RESIDENTIAL USES:
  - i) Retail sales, cannabis

All other provisions of the C 1 zone apply.

### Location and Surrounding:

The subject property is located at 21140 Chilcotin Hwy 20, with Nimpo Lake in proximity to the west as shown in Appendix B. The property is mostly surrounded by residential, seasonal resorts/tourist and general commercial uses.

CRD Regulations and Policies:

*3500 – Chilcotin Area Rural Land Use Bylaw, 1999*

**8.1 GENERAL COMMERCIAL (C 1) ZONE**

**8.1.1 USES PERMITTED**

(a) RESIDENTIAL USES:

- i. An accessory dwelling unit.

(b) NON-RESIDENTIAL USES:

- i. general store, convenience store, grocery store, pharmacy;
- ii. retail sale of household and personal goods;
- iii. business, professional or government office;
- iv. restaurant, bakery, delicatessen;
- v. personal service shop;
- vi. merchandise service shop;
- vii. bank or financial institution;
- viii. postal outlet;
- ix. motor vehicle fuel station, motor vehicle service station;
- x. liquor store, neighbourhood public house, hotel, motel;
- xi. dry cleaners, laundromat;
- xii. community hall or auditorium, recreational facility;
- xiii. museum, historic site or cemetery;
- xiv. commercial club, fraternal club or organization;
- xv. public use, library or community care facility;
- xvi. ancillary buildings.

*2019-6A-27 Non-Medical Cannabis Retail Sales Policy:*

**1. General**

- a) The CRD will only consider lawful cannabis-related land uses that are permitted under provincial and federal legislation.
- b) Rezoning applications to permit cannabis retail sales will only be considered on a site-specific basis in Commercial zones.

**4. Criteria for Reviewing LCRB Referrals**

- a) A minimum separation distance of 300 m between cannabis retail sales and the following locations will be preferred (the minimum distance is calculated as a straight line from the edge of each parcel):
  - i) Daycares;
  - ii) Community Care Facilities;

- iii) Hospitals;
- iv) Libraries;
- v) Parks;
- vi) Playgrounds;
- vii) Schools; and
- viii) Other cannabis retail sales establishments.

b) The CRD Board may consider one or more of the following when voting on a resolution that will be forwarded to the LCRB:

- i) Location of the establishment;
- ii) Proximity of the establishment to other social or recreational facilities and public buildings;
- iii) Proposed hours of operation;
- iv) Traffic, noise, parking, and zoning; and
- v) Other matters the CRD Board of Directors deems relevant.

#### Rationale for Recommendations:

Planning staff are supportive of this application receiving 1<sup>st</sup> and 2<sup>nd</sup> reading. A future Public Hearing, as required for rezoning and official community plan amendment bylaws, will also satisfy the LCRB requirement for public consultation.

Staff note that the Cariboo Regional District cannabis policy envisions a 300-meter distance from retail cannabis locations to key social amenities including daycares, community care facilities, hospitals, libraries, parks, playgrounds, and other cannabis retail sales establishments. Data collected from the Provincial Child Care mapping tool shows that there are no licensed daycares within the area. This area is primarily a tourist commercial development along Nimpo Lake with a broad range of permitted general commercial uses and a few residential lots in proximity. For this reason, adding a proposed retail sales, cannabis use would meet the policy intent of retail locations being directed to commercial zoned areas with minimum impact anticipated on the neighbourhood.

The Interior Health Authority have expressed similar criteria for consideration as our non-medical cannabis retail sales policy. The Ministry of Transportation and Infrastructure (MOTI) has no objection in principle to the proposed rezoning.

The Electoral Area 'J' Advisory Planning Commission (APC) is in support of the proposal. The APC mentioned that the RCMP at the Anahim Lake detachment met with the Chief and Council of the Ulkatcho First Nations to discuss this rezoning proposal and were all in support of opening a cannabis retail store in Nimpo Lake area.

Recommendation:

1. That the Chilcotin Area Rural Land Use Amendment Bylaw No. 5396, 2022 be read a first and second time, subject to the following condition:
  - i. The applicant offering to enter into and entering into a covenant to ensure compliance with the CRD Shoreland Management Policy with respect to sewerage disposal.

Further, that the cost of registration of the Shoreland Management Policy covenant be borne by the applicant.

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**REFERRAL COMMENTS**

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Health Authority: June 10, 2022

Thank you for the opportunity to provide comments regarding the above referenced zoning amendment for a cannabis dispensary located at 21140 Chilcotin Hwy 20.

From a healthy built environment perspective the following should be considered when deciding where to locate cannabis retail sales:

1. Water Supply:
  - a. Any onsite water supply system (e.g. private well) that services the facility may be subject to the approval and permitting requirements of the BC Drinking Water Protection Act and Regulation.
2. Waste Water Disposal:
  - a. Any waste water generated by these operations is not considered “domestic sewage.” Domestic Sewage would include washroom, food preparation, dishwashing and showering waste. Interior Health enforces the BC Sewerage System Regulation.
  - b. Industrial Waste is managed by the Ministry of Environment, under the Environmental Waste Management Act, Municipal Sewage Regulation.
3. Location: Proximity and impact on adjacent land uses need to be considered.
  - a. The size and configuration of the property, including access to the property and distance from residences and schools
  - b. Minimize exposure to cannabis marketing/modelling to youth
  - c. Maximize distance from places children frequent, e.g. schools, playgrounds, etc., as much as possible and feasible
  - d. Do not co-locate with alcohol outlet
  - e. Maximize from other retail locations for cannabis as much as feasible.

Ministry of Transportation and Infrastructure: May 24, 2022

The Ministry of Transportation and Infrastructure have no objections in principle to the proposed zoning amendment to Bylaw No. 5396 from General Commercial (C 1) to Special Exception (C 1-2) to allow for cannabis retail sales.

Advisory Planning Commission: May 31, 2022

See attached.

Ministry of Environment and Climate Change Strategy:

No response.

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### BOARD ACTION

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July 8, 2022:

That Chilcotin Area Rural Land Use Amendment Bylaw No. 5396, 2022 be read a first and second time, this 8<sup>th</sup> day of July, 2022. Further, that adoption be subject to:

The applicant offering to enter into and entering into a covenant to ensure compliance with the CRD Shoreland Management Policy with respect to sewerage disposal.

Further, that the cost of registration of the Shoreland Management Policy covenant be borne by the applicant.

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### ATTACHMENTS

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Appendix A: Bylaw 5396  
Appendix B: General Map  
Appendix C: Specific Map  
Appendix D: Orthographic Map  
Appendix E: Proposed Floorplan  
Other: Applicants Supporting Documentation  
Advisory Planning Commission Comments



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5396

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3500, being the "Chilcotin Area Rural Land Use Bylaw No. 3500, 1999".

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a Rural Land Use bylaw after a public hearing and upon the affirmative vote of the Directors.

WHEREAS an application has been received to rezone property.

NOW, THEREFORE, the Board of Directors of the Cariboo Regional District, duly assembled, hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the "Chilcotin Area Rural Land Use Amendment Bylaw No. 5396, 2022".

2. AMENDMENT

Bylaw No. 3500 of the Cariboo Regional District is amended by:

- i) Including Section 8.1.3.2 into Schedule "A" as follows:

8.1.3.2 Special Exception C 1-2 Zone (3360-20/20210066)

Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned C 1-2, the permitted non-residential uses shall include:

(b) NON-RESIDENTIAL USES:

- i) Retail sales, cannabis

All other provisions of the C 1 zone apply.

- ii) rezoning Lot A, District Lots 1618 and 1698, Range 3 Coast District, Plan 17288, be rezoned from General Commercial (C 1) zone to Special Exception C 1-2 zone; and
- iii) amending Schedule "C" accordingly.

READ A FIRST TIME THIS 8<sup>th</sup> DAY OF July, 2022.

READ A SECOND TIME THIS 8<sup>th</sup> DAY OF July, 2022.

A PUBLIC HEARING WAS HELD ON THE 4<sup>th</sup> DAY OF October, 2022.

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5396 cited as the "Chilcotin Area Rural Land Use Amendment Bylaw No. 5396, 2022", as adopted by the Cariboo Regional District Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Manager of Corporate Services

# Appendix B: GENERAL MAP



## LEGEND

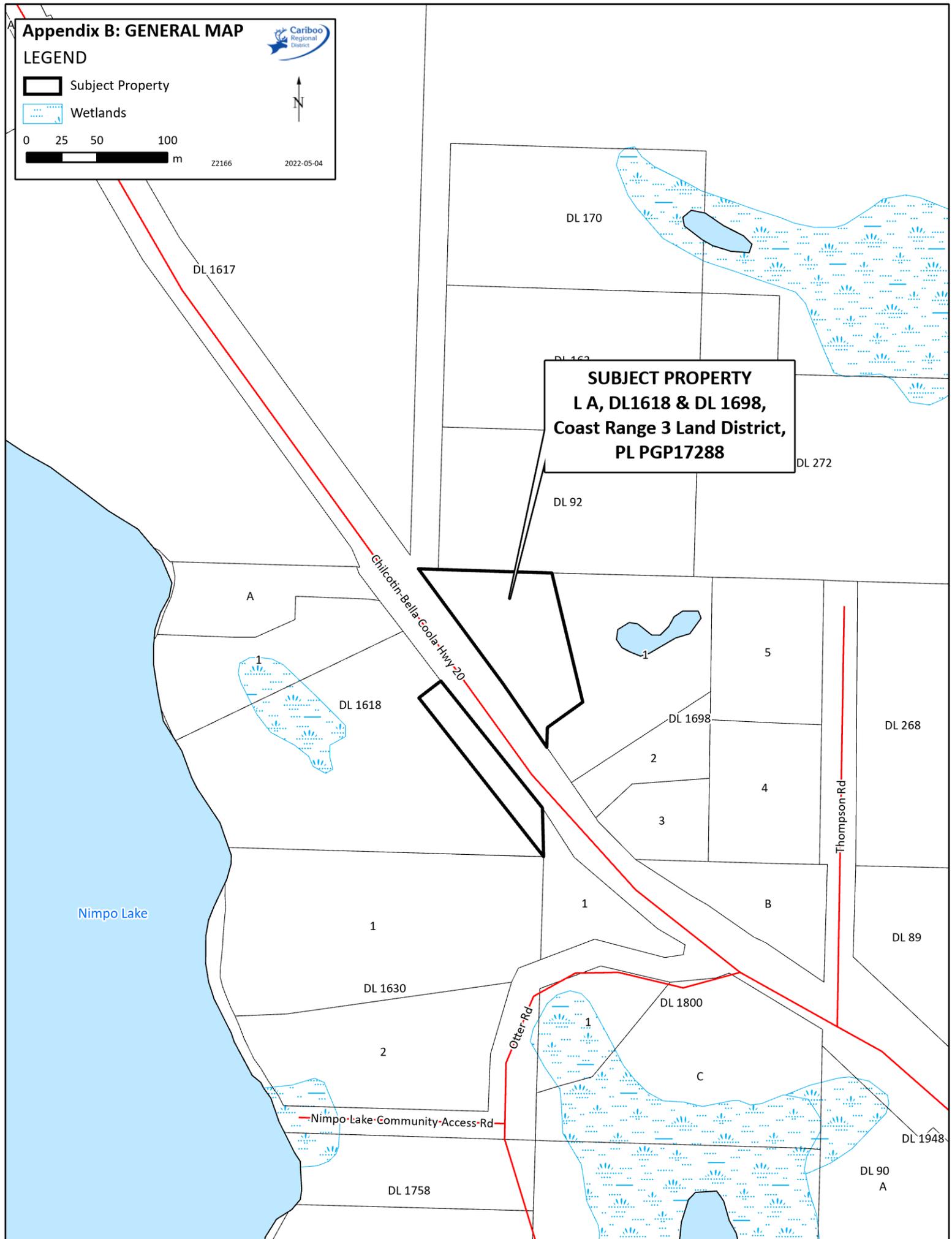
- Subject Property
- Wetlands



0 25 50 100  
m

Z2166

2022-05-04





**Appendix D: GENERAL MAP ORTHO  
LEGEND**



 Subject Property



0 30 60 120  
m

Z2166

2022-05-04

DL 163

DL 1617

DL 272

**SUBJECT PROPERTY  
L A, DL1618 & DL 1698,  
Coast Range 3 Land District,  
PL PGP17288**

A

1

5

DL 1618

DL 1698

2

4

Nimpo  
Lake

DL 1630

DL 1800

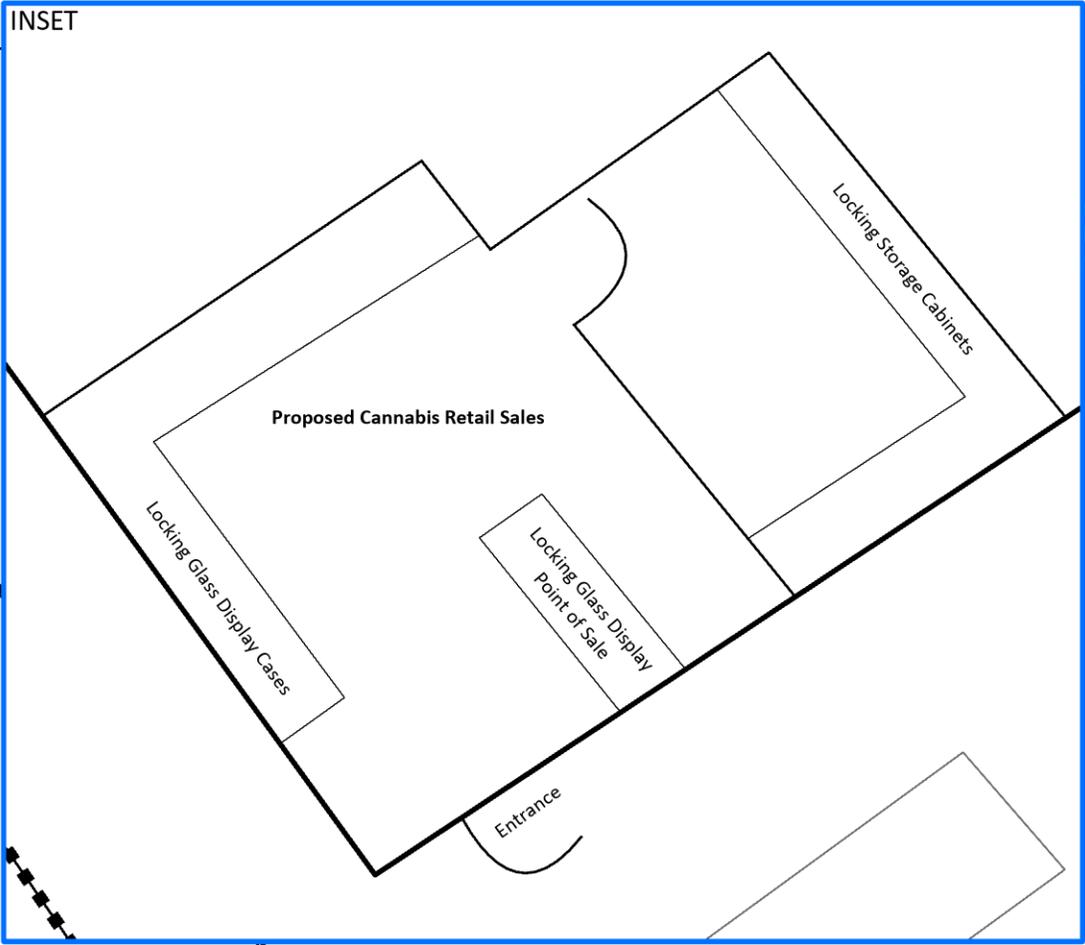
B

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

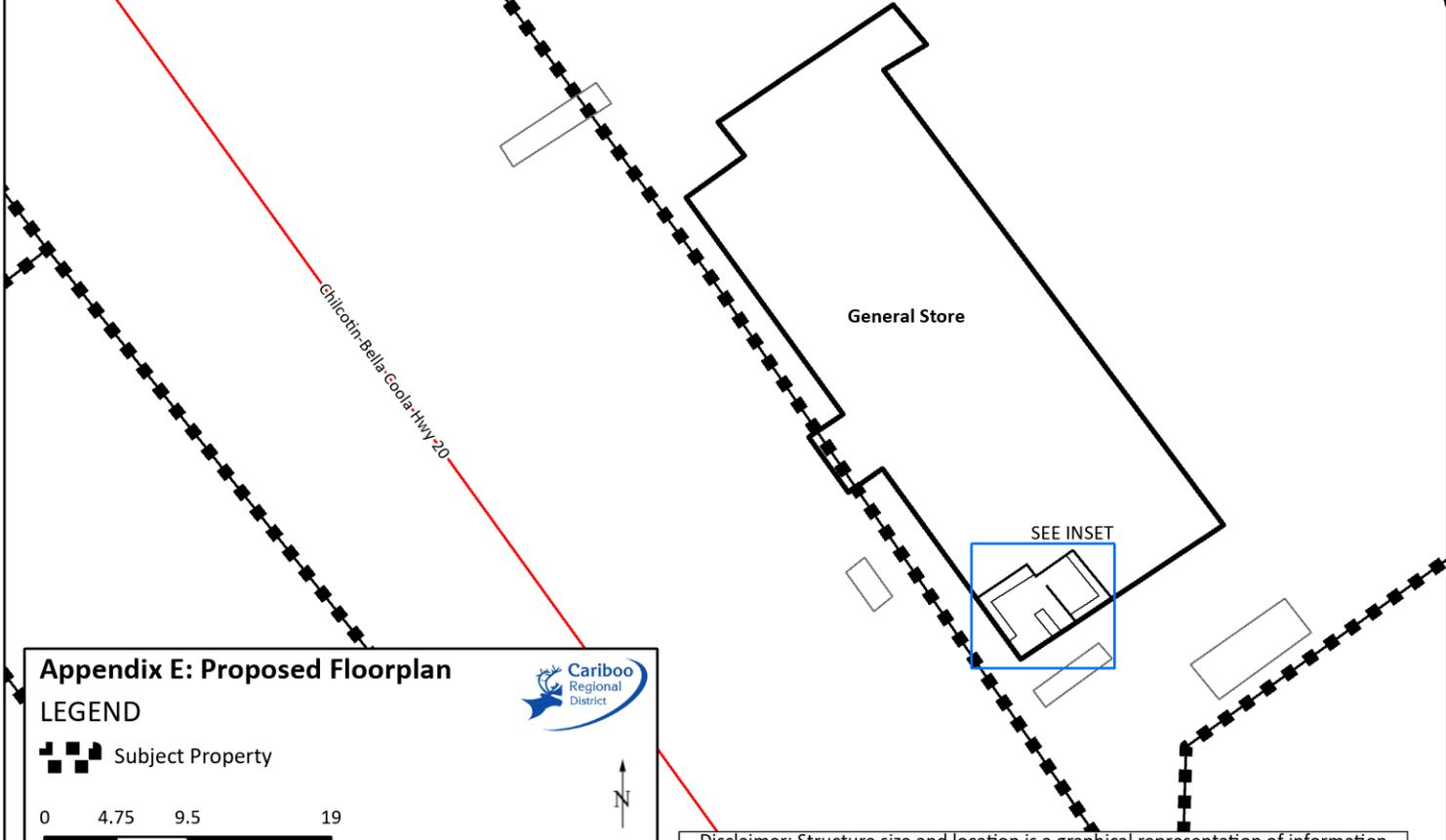
2

1

C



1



**Appendix E: Proposed Floorplan**

**LEGEND**

■ ■ ■ ■ Subject Property

0 4.75 9.5 19  
m

Cariboo Regional District

22166

2022-05-18

Disclaimer: Structure size and location is a graphical representation of information provided by the applicant and may not necessarily be drawn to scale.

Describe the existing use of the subject property and all buildings: Existing use of the property's buildings is a general store selling the following: Groceries, Souvenirs, fuels, liquor, ammunition, tackle

Describe the proposed use of the subject property and all buildings: To sell goods to the community and summer tourism.

Describe the reasons in support for the application: To rezone and then apply to open a marijuana dispensary.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): Some trees lawn in the backyard. Groomed landscape.

Provide general geographical information (i.e. existing lakes, streams, physical features etc.):  Hwy 20 passes through the property. Nimpo Lake is located a couple hundred meters from the property.

Services Currently Existing or Readily Available to the Property (check applicable area)

\* Readily Available means existing services can be easily extended to the subject property.

Services	Currently Existing?		Readily Available?*	
	Yes	No	Yes	No
Hydro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Water System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Sewer System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>septic system</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

JUN 02 2022

Referred To .....

File No: 3360-20/20210066 .....

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'J' advisory planning commission held on *May 31/22* in the *via email*, located at *Area J*, BC, commencing at

**PRESENT:**

Chair *Dave Clark*

Members *Lesl. Milton*  
*Linda Armstrong*  
*Deborah Kannegeissen, Terra Hatch*  
*Tolin Pare*

Recording Secretary *Johanna Kirby*

Owners/Agent, or  
 Contacted but declined to attend

**ABSENT:** *∅*

**ALSO PRESENT:** Electoral Area Director *Area J Gerald Kirby*  
Staff support (if present)

Agenda Items

**REZONING APPLICATION – 3360-20/20210066 (LOT A, DISTRICT LOT 1618 AND 1698, RANGE 3, COAST DISTRICT, PLAN 17288)**

*Dave Clark, Johanna Kirby*: "THAT the application to rezone property at 21140 CHILCOTIN HWY 20, be supported/rejected for the following reasons:

- i)
- ii)

For: *7* Against:

CARRIED/DEFEATED

Termination

*because it was via email*  
*Johanna Kirby, Dave Clark*: That the meeting terminate.

CARRIED

Time:

*[Signature]*  
Recording Secretary

\_\_\_\_\_  
Chair