

Planning Application Information Sheet

Application Type: Temporary Use Permit

File Number: 3070-20/20210039

Electoral Area: G

Date of Referral: July 12, 2021 Date of Application: June 29, 2021

Property Owner's Name(s): RICHARD D DUNCAN

SECTION 1: Property Summary

Legal Description(s): Lot A, District Lot 5, Lillooet District, Plan 5820, Except Plan KAP52790

Property Size(s): 0.25 ha (0.61 ac.)

Area of Application: 0.25 ha (0.61 ac.)

Location: 4842 Hamilton Road

Current Designation: Min. Lot Size Permitted:

Commercial N/A

Current Zoning: Min. Lot Size Permitted: Community Commercial (C 5) 557 sq. m (5,996 sq. ft.)

Proposal: To allow for a non-medical cannabis retail store within the existing commercial

building.

Existing Buildings: Cafe - 253.26 sq. m (2,726.07 sq. ft.)

Wood workshop - 179.56 sq. m (1,932.77 sq. ft.)

Greenhouse

Proposed Buildings: No proposed buildings

Road Name: Hamilton Road & Hwy 97

Road Type: Paved

Within the influence of a Controlled Access Highway: Cariboo HWY 97 S

Services Available: Hydro, Telephone, Community Water System, Community Sewer System

Within the confines of the Agricultural Land Reserve: No

Required to comply with the Shoreland Management Policy: N/A

Name of Lake/Contributing River: Lac La Hache

Lake Classification: High

Within Development Permit Area: Yes

Development Permit Area Name: Commercial Development Permit Area

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

	Land Use:	Lot Sizes:
(a) North	270 Hall (Community, Lodge, Club, Etc.)	0.39 ha (0.95 ac.)
	201 Vacant IC&I	0.21 ha (0.52 ac.)
	600 Recreational & Cultural Buildings (Includes Curling	0.413 ha (1.02 ac.)
	000 Single Family Dwelling	0.21 ha (0.52 ac.)
(b) South	200 Store(S) And Service Commercial	0.134 ha (0.33 ac.)
	001 Vacant Residential Less Than 2 Acres	0.23 ha (0.556 ac.)
	000 Single Family Dwelling	0.194 ha (0.48 ac.)
(c) East	000 Single Family Dwelling	0.33 ha (0.81 ac.)
	200 Store(S) And Service Commercial	0.162 ha (0.4 ac.)
	000 Single Family Dwelling	0.14 ha (0.34 ac.)
	000 Single Family Dwelling	0.113 ha (0.28 ac.)
(d) West	201 Vacant IC&I	3.15 ha (7.783 ac.)

PLANNING COMMENTS

Background:

The applicants have requested that a temporary use permit be granted for a non-medical cannabis retail use within the existing commercial building on the subject property, Lot A, District Lot 5, Lillooet District, Plan 5820, Except Plan KAP52790. The property is currently designated Commercial in the Lac La Hache Official Community Plan Bylaw, 5170, 2018, and Community Commercial (C 5) in the South Cariboo Area Zoning Bylaw, 3501, 1999. There is an existing café, wood workshop, and greenhouse.

Location and Surroundings:

The subject property is located at 4842 Hamilton Road, at the corner of Cariboo Highway 97, as shown on Appendix A. The property contains a paved highway frontage and has peripheral landscaping throughout the site. The site is surrounded by commercial, community hall (across Highway 97), and residential uses.

CRD Regulations and Policies:

5170 Lac La Hache Official Community Plan

16.0 <u>Temporary Use Permits</u>

16.3 Conditions

- 16.3.1 The Cariboo Region District Board will consider an application for a Temporary Use Permit within the Lac La Hache Official Community Plan Area subject to the following conditions:
 - i) The use must be clearly temporary or seasonal in nature;
 - ii) The use must not have the potential to cause undesirable health, safety, or environmental impacts;
 - iii) The use must not have a negative impact on adjacent lands;
 - iv) The use will create a low demand for water and sewer services;
 - v) The use will be authorized for the earlier of three years after the permit was issued or such time as specified in the permit; and
 - vi) The use will not result in permanent alteration of the site upon which it is located.

3501 South Cariboo Area Zoning Bylaw, 1999

5.5 COMMUNITY COMMERCIAL (C 5) ZONE

5.5.1 <u>USES PERMITTED</u>

(b) NON-RESIDENTIAL USES:

- i) Uses permitted in the General Commercial (C 1) zone;
- ii) Uses permitted in the Highway Commercial (C 3) zone;
- iii) Wholesale outlet, discount retail outlet;
- iv) Neighbourhood plaza, community shopping centre;
- v) Cinema, theatre or place of entertainment;
- vi) Health service centres, including fitness facility and reducing salon;
- vii) Bowling facility, billiard hall;
- viii) 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 retails 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 note that the Lac La Hache Official Community Plan Bylaw, 5170, 2018 allows for applications of temporary use permits within the plan area. Planning staff recommend the Cariboo Regional District Board of Directors (Board) hold a public meeting to fulfill the requirements of the Temporary Use Permit. As the Temporary Use Permit will be specific to the retail sale of cannabis, Planning staff have received confirmation that such a meeting will meet the criteria for a public meeting from the Liquor and Cannabis Regulation Branch (LCRB).

The Cariboo Regional District considers it preferrable to maintain a minimum distance of 300 metres (984 feet) from a property with a cannabis retail sale use for land uses such as daycares, community care facilities, hospitals, libraries, parks and playgrounds, and schools. Planning staff report that the Lac La Hache Community Club maintains locations within this area, both along the highway and at the Rolf Zeis Memorial Arena. Data provided by the Interior Health Authority shows that there are no licensed daycares within the area, and have expressed similar criteria for consideration as our non-medical cannabis retail sales policy. Because of the relatively constrained size of the Lac La Hache Townsite, Planning staff do not consider it unreasonable for the Board to consider approval of this application despite the proximity to these community facilities.

Planning staff have received confirmation from the CRD Environmental Services that the use of the building as a cannabis retail store would have no change to the function of the Lac La Hache water or sewer systems.

The Ministry of Transportation and Infrastructure have confirmed that there is no objection in principle to the Temporary Use, but a commercial access permit will be required prior to the commencement of operations.

The Electoral Area 'G' Advisory Planning Commission (APC) has no objection to this temporary use application for retail cannabis.

Recommendation:

That the application pertaining to Lot A, District Lot 5, Lillooet District, Plan 5820, Except Plan KAP52790 requesting the issuance of a Temporary Use Permit to allow the subject property and building thereon to be used for the retail sale of cannabis be approved, in principle, as per Appendix "B" Specific Map, subject to the following condition:

The applicant providing proof of application for a commercial access permit to the Ministry of Transportation and Infrastructure.

Further, that the Board waive Policy Section PL 6.1 of the Cariboo Regional District Policy Manual with respect to a security deposit and undertaking of a rezoning application prior to permit expiry.

And, that a public meeting be scheduled.

REFERRAL COMMENTS

Health Authority: August 6, 2021

See attached.

Ministry of Transportation and Infrastructure: July 13, 2021

EDAS File # 2021-03927

The Ministry of Transportation has no objection in principle to the proposed Temporary Use Permit as per CRD application # 3070-20/20210039. Applicant should be advised that a commercial access permit application for access to Hamilton Road must be completed and submitted to this office prior to commencement of operations.

Advisory Planning Commission: July 27, 2021

See attached.

Ministry of Environment and Climate Change Strategy:

No response.

CRD Chief Building Official: August 6, 2021

No objections to T.U.P. Project is withing Building Inspection service area. Applicant to apply for Building Permit for any work that requries building permits as per the building bylay and BC Building code.

CRD Environmental Services Department: July 22, 2021

This proposal is to change over the function of the commercial building from a wood shop to a cannabis retail store. We see little or no change to the functionality of our water or sewer system; ie. we would not be affected by this change.

BOARD ACTION

August 20, 2021:

That the application pertaining to Lot A, District Lot 5, Lillooet District, Plan 5820, Except Plan KAP52790 requesting the issuance of a Temporary Permit to allow the subject land and buildings thereon to be used for retail sale of cannabis, be approved, in principle, as per Appendix "B" Specific Map, subject to the following:

The applicant providing proof of application for a commercial access permit to the Ministry of Transportation and Infrastructure.

Further, that the Board waive Policy Section PL 6.1 of the Cariboo Regional District Policy Manual with respect to a security deposit and undertaking of a rezoning application prior to permit expiry.

Further, that a public meeting be scheduled.

November 19, 2021:

That the application pertaining to Lot A, District Lot 5, Lillooet District, Plan 5820, Except Plan KAP52790 requesting the issuance of a Temporary Permit to allow the subject land and buildings thereon to be used for retail sale of cannabis, be approved, as per Appendix "B" Specific Map, subject to the following:

The applicant providing proof of application for a commercial access permit to the Ministry of Transportation and Infrastructure.

Further, that the Board waive Policy Section PL 6.1 of the Cariboo Regional District Policy Manual with respect to a security deposit and undertaking of a rezoning application prior to permit expiry.

ATTACHMENTS

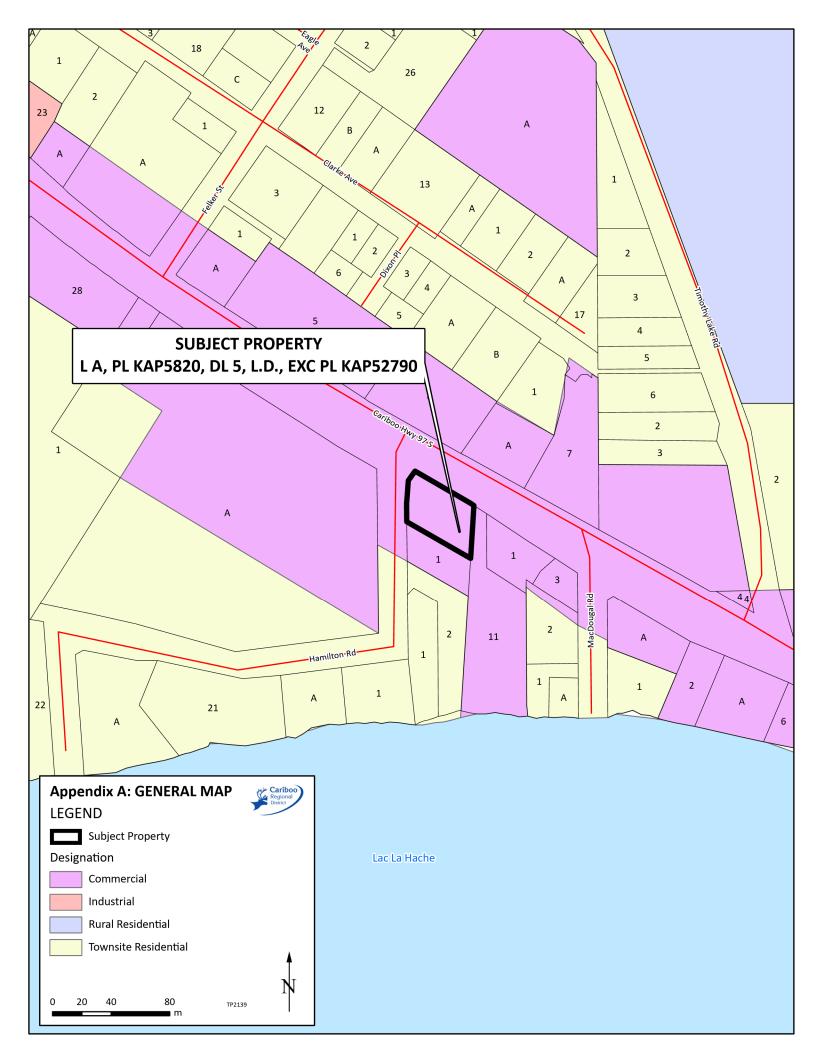
Appendix A: General Map
Appendix B: Specific Map
Appendix C: Orthographic N

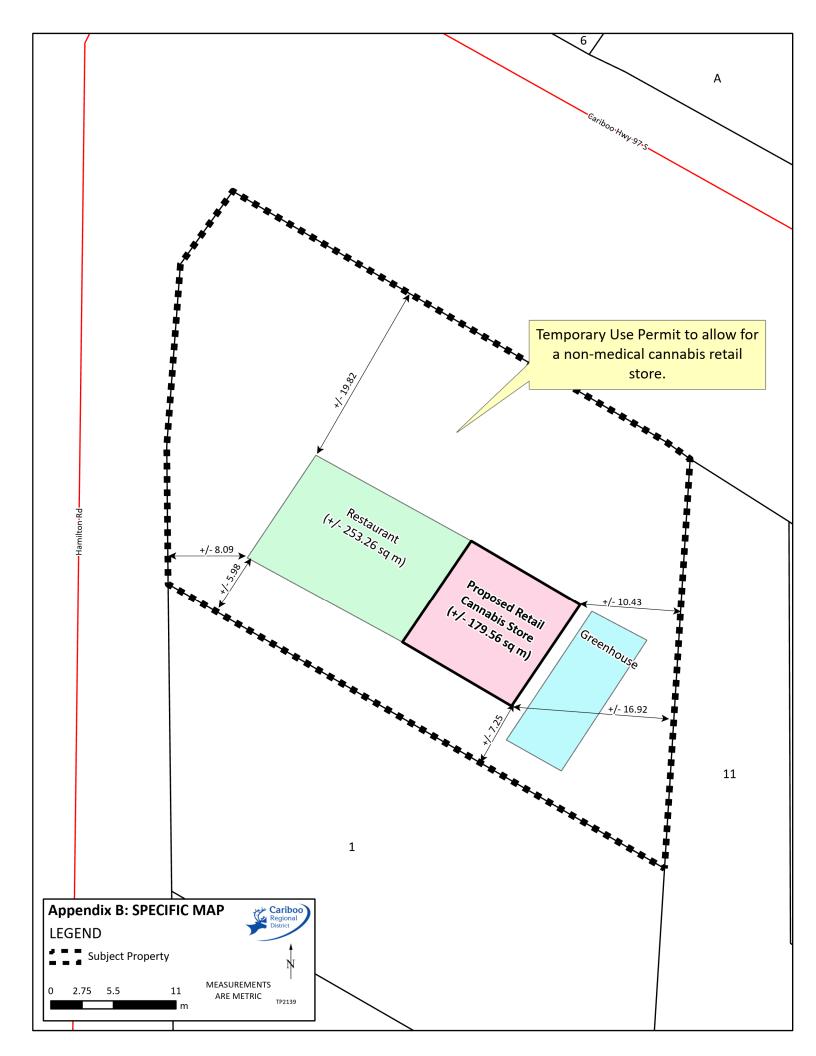
Appendix C: Orthographic Map

Other: Applicant's Supporting Documentation

Advisory Planning Commission Comments

Interior Health Comments
Public Meeting Results







Describe the existing use of the subject property and all buildings: CAFE & WOOD SHOP				
Describe the proposed use of the subject property	y and all buildings:	THE ECANIVABLS SHOP		
Describe the reasons in support for the application: THERE ISN'T OWENIAM AND RETAIL CANNABIS LAC LA HACHE SHOP				
Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.):				
Provide general geographical information (i.e. existing lakes, streams, physical features etc.): HIGHWAY 97 LAKE V/EW OF Services Currently Existing or Readily Available to the Property (check applicable area)				
* Readily Available means existing services can be easily Services	y extended to the subject pr Currently Existing?	Readily Available?*		
-	Yes No	Yes No		
Hydro Telephone Community Water System Community Sewer System Sewage Disposal System Well Other (please specify)				

AREA G APC RESPONSE FORM

FILE NO: 3070-20/20210039

Date:

July 27, 2021

7:15 PM

Conference call meeting

Applicant/Agent: Richard Duncam

Area G director - Al Richmond

Members:

Marvin Monical

Diane Wood

Graham Leslie

Nicola Maughn

Marilyn Niemiec

Robin Edwards

Absent: Robin Edwards

Location of Application: 4842 Hamilton Road Lac la Hache BC

Agenda Item: Temporary Permit -- to allow for a non medical cannabis retail store at this

location.

Moved by: Graham Leslie / Nicola Maughn

Area G APC has no objection to this temporary use permit application for retail cannabis sales.

Carried Unanimously

Moved by	Diane Wood	that the meeting terminate.	7:45 pm	
			. 1	/
Chair		Secretary		



August 6, 2021

Jonathan Reitsma, Planning Officer Cariboo Regional District Suite D, 180 N 3rd Avenue Williams Lake, BC V2G 2A4

Mail to: planning@cariboord.ca

Dear Mr. Reitsma:

RE: File 3070-20/20210039 - 4842 Hamilton Road, Lac La Hache, BC.

Thank you for the opportunity to provide comments regarding the above noted application. It is our understanding that the intent of the Temporary Use Permit Application is to allow for a non-medical cannabis retail store within the existing commercial building located at 4842 Hamilton Road.

In order to support a public health approach to non-medical cannabis, the following information is provided for consideration with respect to where to locate cannabis retail sales:

- Minimize exposure to cannabis marketing/modelling to youth
- Maximize distance from places children frequent e.g. schools, playgrounds, skate parks etc. as much as possible and feasible
- Do not co-locate with an alcohol outlet
- Maximize the distance from other retail locations for cannabis as much as feasible

If you have any questions, please feel free to contact the undersigned below.

Sincerely,

Misty Palm, B.Tech. CPHI(C) Environmental Health Officer Healthy Communities

MP/kel

Bus: (250) 851-7347 Fax: (250) 851-7341 Email: misty.palm@interiorhealh.ca

Web: interiorhealth.ca

Population Health 519 Columbia Street Kamloops BC V2C 2T8

RESULTS OF PUBLIC MEETING

File No: 3070-20/20210039 Date: October 12, 2021 Location: Via Teleconference

Re: TEMPORARY PERMIT – LOCATED AT 4842 HAMILTON ROAD

Persons Present:				
\boxtimes	Director: Al Richmond			
\boxtimes	Owner(s): Richard Duncan			
\times	Public: See attached list			
\times	Staff: Nigel Whitehead, Manager of I	Planning Services and Jonathan Reitsma, Planning Officer I		
	No public in attendance (excluding owner/agent)			
	Waited ten (10) minutes and then c	alled the meeting adjourned.		
\boxtimes	Roll call conducted by Planning Staff.			
		rence platform, best efforts have been made to ensure attendee's names in the record are accidental and the CRD apologies for this inconvenience.		
\boxtimes		pose of a Public Meeting", including the rules for the meeting and the dout. The meeting was called to order at		
	The Chair read out public comments	received since 4:00 pm. ⊠ No comments received since 4:00 pm.		
	Previously submitted comments available for viewing on CRD website and in CRD offices.			
	1) Date: October 6, 2021	Name: Wayne and Sharon Neufeld		
	2) Date: October 8, 2021	Name: Ruth Goertz		
	3) Date: October 8, 2021	Name: Gale Ogden		
	4) Date: October 10, 2021	Name: Jonathan and Elise Neufeld		
	5) Date: October 10, 2021	Name: Mike and Julie Lange		

- The following verbal comments and questions were received: (add additional sheet if required)
 - **R. Duncan:** Thanked public for joining. Outlined reasons for undertaking the proposal. Has been in discussions with Williams Lake First Nations who are interested in opening a retail cannabis store. Cannabis is legal in BC. He receives inquiries from international tourists looking for legal purchase of cannabis. This will support business in Lac La Hache and create 3-4 full time employment positions. Would like to be part of WLFN's business expansion.
 - **D. Sturgeon:** Supportive of proposal. Will be benefit to local economy. Will create employment and reduce illegal activity (i.e. illegal cannabis sales) in community.
 - **T. Murphy:** Not supportive of cannabis retail sales. Too close to existing elementary school. Numerous illegal activities in Lac La Hache. In 2007 the school area was identified as drug free zone. School District and CRD placed signage stating drug free zone.
 - **D. Laws:** Supportive of the proposal. Consistent source of employment for a small town. Legal substance. Local FN Band supporting the proposal.

B. and M. Amiss: Not supportive of proposal. Operating a B&B with lake access next to property. The lake access is currently being used at night by people, and this may further contribute to problems.

Public Comment: Supportive of proposal. Need to consider seniors. Limited transport options for those who may want to acquire legal cannabis. Regulated product will reduce crime.

J. Lange: Lives behind store. Not in support. People wandering through their property, coming from local businesses. Required to build fence to stop this.

Director Richmond: Called three times for further comments.

- **D. Laws**: Doesn't see how this is different from those who drink alcohol.
- Attendees were asked three times for further comments and/or questions.
- ☐ The Chair called the meeting adjourned at 7:31 pm

I certify this is a fair and accurate report on the results of the public meeting.

Signature of Chair

Public Comment

Genny Hilliard

From:

Sharon Neufeld

Sent:

October 6, 2021 1:26 PM

To:

CRD Planning

Cc:

Nigel Whitehead; Jonathan Reitsma

Subject:

Approval of cannabis store in Lac La Hache

Attachments:

LLH Cannabis store.docx

Please see the attached letter to you folks regarding the proposed cannabis store.

There is way too much stuff happening in that building already without giving him further license to sell legal drugs.

If you care about our unpoliced neighborhood at all, this will not go forward.

Many thanks for your help Waine & Sharon Neufeld File: 3070-20/20210039 October 10, 2021

To: Nigel Whitehead - Manager of Planning Services and Jonathan Reitsma - Planning Officer

Re: Consideration for a cannabis retail store in Lac La Hache

Thank you for the opportunity to express our grave concern over this application.

As you are aware, our small community is suffering from increased criminal activity and requires a RCMP presence more often than ever before. It is difficult to rely on a timely response when a local detachment is not available to us and the RCMP have to leave their town to assist us. This is a community concern as we question how a cannabis store could be viewed in anyone's opinion, a positive addition to Lac La Hache.

As for our personal concern, this will be an issue for us on our property. The existing business that is suppose to be a Pizza restaurant often turns into a big party with loud music & noise that keeps us awake at night. This has taken place for many years and it is impossible to believe that adding the sale of drugs in that establishment without a local RCMP detachment to monitor it, will be tolerable.

Unfortunately our opinion is based on past performance of this "free spirited" owner and we are confident that he lacks the ability to follow the mandatory rules and regulations.

We sincerely hope that you will be diligent with this request and consider the safety & wholesome value that we cherish in Lac La Hache for us, our children and grandkids.

Respectfully submitted

Waine & Sharon Neufeld



Genny Hilliard

From:

Sent:

October 8, 2021 8:44 AM

To:

CRD Planning

Cc:

Jonathan Reitsma

Subject:

Application for Cannabis retail store in Lac La Hache

To Mr. Nigel Whitehead, Manager of Planning Services

I am writing this letter regarding the application for temporary use permit for a cannabis retail store at 4842 Hamilton Rd, Lac La Hache, B.C.

My question is: Why do we need a retail cannabis store in a small community when there are 2 stores 20 minutes away in 100 Mile House? This does not make any sense to me so therefore I strongly object to this permit for many reasons.

- 1. Increased traffic on Hamilton Rd.
- 2. Already a drug problem on Clarke Ave which is in close proximity to this establishment.
- 3. RCMP are already stretched to their limit not being able to come at a moments notice if we are needing help.
- 4. Extra trespassers coming on my property to get to the Lake.
- 5. I believe this will affect the value of my property if ever I want to sell.
- 6. As a new widow, this brings more anxiety to me as I will not feel safe in my home or yard.
- 7. I am already having to deal with the strong odour of marijuana in my yard coming from this establishment that causes me to feel sick and this will just make it much worse.
- 8. We have had the problem with the noise bylaw not being followed by this establishment keeping us awake with loud music & partying that I am sure will get much worse.

I would appreciate your consideration in these concerns that I have expressed & do not allow this permit to be granted.

Respectfully submitted,

Ruth Goertz Sent from my iPad



Genny Hilliard

From:

Jonathan Reitsma

Sent:

October 8, 2021 4:41 PM

To:

CRD Planning

Subject:

FW: Public Meeting

From: Gale Ogden

Sent: October 8, 2021 4:29 PM

To: Jonathan Reitsma < jreitsma@cariboord.ca>

Subject: Public Meeting

To Whom it may concern,

My name is Gale Ogden I live on

I have recently been informed that there has been application made at 4842 Hamilton Road to allow for a non-medical cannabis retail store at the commercial building there. Although our property isn't close to the building I do believe having that service can have negative effects. I don't believe our small community needs to have Cannabis products available as there are stores in 100 Mile and in Williams lake. (2019 our community was trying to come up with ways and means to curb problems we had with drug & alcohol use & speeding near the school & in our little downtown area. This additional ready supply of non-medicinal cannabis products may compound the problems we have been concerned about already.

Thank you for allowing me to have a written submission.

Gale Ogden



Genny Hilliard

From:

Elise Neufeld -

Sent:

October 10, 2021 6:03 PM

To:

Jonathan Reitsma; CRD Planning; nwhitehead@cariboo.ca

Subject:

Proposed temporary use permit for cannabis store in Lac La Hache

File:3070-20/20210039

To:

Jonathan Reitsma Nigel Whitehead Planning Committee

Thank you for allowing us to share our thoughts and concerns over the proposed temporary use permit for a cannabis store in Lac La Hache.

We have several significant concerns over this proposal. First of all, Lac La Hache already has a problem with drug users that has cause problems. A young, pregnant family member was visiting us and staying at a motel, and was violently approached by a man obviously high on drugs. He started beating on her car with a weapon and terrified her. Due to the fact of no police presence, we believe these incidences will only intensify.

Our property is located directly behind this proposed area, and we already have to listen to the owner's loud music till the early hours of the morning. The owner seems to have no regard for surrounding home owners' peace and enjoyment of this beautiful lake. By his actions in his established business, we can't believe that he will run this new establishment with any more concern or respect for his neighbours and community.

Thank you, Jonathan and Elise Neufeld

Sent from my iPhone



To: Jonathan Reitsma and Nigel Whitehead

Re file #3070-20/20210039

I want to thank you for the opportunity to discuss our many concerns with the proposed non-medical cannabis retail store within the Red Crow building. Unfortunately, we have witnessed the owner of the current establishment disregarding boundaries and regulations in various situations and are concerned about him being granted this permit.

We have had many difficulties with our driveway running adjacent to the parking lot of this business. When we first took possession, customers were using our driveway as both and entrance and as additional parking. We thought the best way to solve this was to build a fence between the two properties clearly defining our driveway. We had our property surveyed, and found trees had been planted on our side of the property line. We spoke with Rick and discussed the relocation of trees and he stated he would like to remove them himself, as he would then replant them. Several weeks and many requests later he finally complied. We built our fence approximately 6 inches inside our property line, so it would be entirely our fence. Within days he had his employee level his yard with dirt up over 1ft onto the back side of our wooden fence. We requested that he remove it immediately, which he didn't, until I offered to remove it for him and relocate it to his restaurant entrance.

The driveways have also been an issue when we find ourselves blocked by people cutting between the power pole and the end of our fence across the end or our driveway instead of using the business's entrance or exit. Because our driveway leads to the highway, people are often traveling at greater speeds and pose an increased risk of injury in an accident situation. We don't look forward to increasing traffic to this establishment.

Our property is situated between the current restaurant and the owner's residence. We repeatedly asked him not to cross our property, especially in the middle of the night after closing down, as it would cause our dog to bark and wake us and the whole neighborhood. Our requests were never honored, so we had a second reason to build our fence.

We, as well as other members in our community have attempted to report, to Transport Canada, his operation of a float plane. Even though there is 20 km of length on our lake, he insists on buzzing our houses, by flying incredibly low directly over our house and trees in order to land as close to his water front as possible.

Over the last year, restaurants and bars have been required to close due to COVID - 19. He has remained open, violating public health orders.

We have had to speak to him regarding late night live bands where he props the front and back doors open allowing unnecessarily excessive noise to disturb the surrounding houses. He was

belligerent and unaccommodating until I suggested that he, himself appeared to have been drinking and that I was going to report his liquor violations.

Due to the multiple situations where we have seen his disregard for rules and regulations, we can't imagine he will follow the regulations regarding a retail cannabis store.

We also have a rampant drug and crime issue in our tiny community. Clark Street is well known in our region. History has shown that without a local police detachment nearby, it unfortunately causes a longer police response time.

We have had family property in this area over 20 years, and were excited to move our young growing family here 6 years ago. We are in favor of development and progress in our local community, but don't feel this would be a forward or positive direction.

Thank you for your consideration

Mike and Julie Lange