



REPORT

To: Chair and Directors

Report Number: DS-BRD-143

From: Kathy Suggitt, General Manager of Development Services

Date: April 29, 2021

Subject: Liquor Primary Licence Application for RNN Sales and Rental

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board respectfully refuse to support the RNN Sales and Rentals Liquor Primary Licence application for a liquor licence at 437 Briar Ridge Road (PID 014-460-343) based upon the recent decision by the ALC to deny the application to exclude a portion of the property from the ALR to allow for a zoning amendment application to a zone that would permit a liquor licence; further, that a copy of the resolution be submitted to the Liquor and Cannabis Regulation Branch in response to the application referral.

BACKGROUND/RATIONALE:

On October 10, 2019, the Regional Board passed the following resolution:

MOVED, SECONDED, and CARRIED

That a 90 day extension to the deadline to process the liquor primary licence application from RNN Sales & Rentals be requested to allow the applicant to first seek approval from the Agricultural Land Commission for the proposed non-farm/agri-tourism use on the property and subsequently submit an application to the Peace River Regional District (PRRD) to rezone the property; and further, that comment from the PRRD to the Liquor Control and Licencing Branch be submitted after the property has been rezoned, which will provide opportunity for public input.

The requested extension was granted by the Liquor and Cannabis Regulation Branch, and the applicant applied to the Agricultural Land Commission (ALC) for the required Non-Farm Use permit. On January 23, 2020, the Regional Board approved the application, and authorized it to proceed to the ALC.

On July 16, 2020, the ALC released its decision to refuse the Non-Farm Use.

A further extension to the deadline to process the liquor primary licence application from RNN Sales & Rentals was obtained until December 31, 2020, to allow the applicant to appeal the ALC decision, which they did, and on September 29, 2020 they applied for an Exclusion of a portion of the property from the ALR.

On November 26, 2020 the Board supported the Exclusion from the ALR application and it was forwarded to the ALC.

The December 31, 2020, deadline to process the liquor primary licence application from RNN Sales & Rentals was further extended until July 1, 2021, to allow the ALC time to process the Exclusion application.

On April 9, 2021, the Agricultural Land Commission released its decision (attached for reference) to refuse the Exclusion from the ALR. Therefore, the applicant will not be permitted to apply for rezoning the property as the ALC approval of the rezoning is also required. The PRRD cannot approve the liquor licence application based on the current zoning of the property, and as such, the project cannot proceed. Due to the refusal of the application by the ALC, the file did not proceed for public input.

Official Community Plan & Zoning

The parcel that RNN Sales and Rentals is located on is designated RN (Rural Neighbourhood) within the *South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012*. Liquor outlets or a neighbourhood pub are not permitted uses within this designation.

The parcel that RNN Sales and Rentals is located on is zoned A-2 (Large Agricultural Holdings Zone) in the *PRRD Zoning Bylaw No. 1343, 2001*. The A-2 zone does not allow any liquor outlets or a neighbourhood pub within this zone.

The PRRD has not received a bylaw amendment application, however as described above, with the refusal of the ALR Non-Farm Use application and now the denial of the Exclusion from the ALR, a zoning amendment will not be permitted.

Bylaw Enforcement

June 12, 2020, the PRRD received a complaint regarding an unpermitted campground, restaurant, convenience store, and industrial use of the property located at 437 Briar Ridge Road. Given the ALC decision (refusal of Non-Farm Use) RNN Sales and Rentals had been given an August 31, 2020 deadline to bring the property into compliance. The deadline for compliance was not met and warning tickets were issued for construction without building permits and for prohibited use of property. A new deadline for compliance was set for September 30, 2020. The PRRD received an Exclusion from the ALR application prior to the deadline so enforcement was put on hold pending the outcome of that application. With the recent ALC decision denying the Exclusion application, the bylaw enforcement file will be reactivated.

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board's decision will be communicated to the Liquor and Cannabis Regulation Branch and the applicant.

OTHER CONSIDERATION(S):

None at this time.

Attachments: ALC Decision