



# Regional Board Report

## Request for Decision

**To:** Regional Board  
**From:** Director of Development & Engineering Services  
**Date:** March 20, 2025

**Subject:** LL-24-01 Application for a Rural Licensee Retail Store (LCRB referral, Job # 107646)  
Julie Allen (Owner) Cliff Allen (Applicant)  
10358 Westside Road (Central Okanagan West Electoral Area)

**Voting Entitlement:** *All Directors - Unweighted Corporate Vote - Simple Majority (LGA s.208)*

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**Purpose:** To provide non-support referral feedback to the Liquor and Cannabis Regulation Branch, in response to an application for a Rural Licensee Retail Store in Westshore Estates.

### Executive Summary:

The applicant is seeking Provincial Liquor and Cannabis Regulation Branch (LCRB) approval to operate a retail store, selling unopened liquor from 7:00 AM to 11:00 PM, and selling or serving samples of liquor to patrons in the service area. The intended location is the existing general store at 10358 Westside Road, which has a temporary building permit approved by the RDCO which expires on June 29, 2025.

In accordance with the Regional District's Liquor Licensing Policy and Procedures, public notification has been undertaken, and a resolution is required from the Board prior to a final decision by the LCRB. Staff's recommended response to the LCRB recognises that the property is one of the few parcels in the rural westside that is zoned for retail services, and the proposal may benefit nearby residents. However, the proposed Rural Licensee Retail Store expands the scope of operations beyond the retail proposal which formed the basis of the RDCO's original conditions of approval. With only three months remaining under the temporary building permit, operational expansion could conflict with the project's intended temporary status and the agreed-upon timeline for removal of the structure. Of note, the temporary building is not connected to permanent water or wastewater services that form mandatory BC Building Code requirements for a commercial use. For these reasons, staff do not recommend support for the proposal from within the temporary building at this time.

### Recommendation:

**THAT** the Regional District of Central Okanagan Board provides the following comments to the Provincial Liquor and Cannabis Regulation Branch referral, for the subject property at Lot 1, Plan KAP54481, District Lot 3688, ODYD;

1. The Regional District of Central Okanagan Board recommends non support for the application to establish a Rural Licensee Retail Store at the subject property at Lot 1, Plan KAP54481, District Lot 3688, ODYD for the following reason:
  - Given that the existing structure is temporarily permitted, with conditions requiring that the building be removed by June 29, 2025, the Regional District does not consider it appropriate to permit liquor sales from this establishment.

2. The Regional District of Central Okanagan Board has considered the following:
- a. The location of the establishment:  
The subject property is zoned appropriately for a Rural Licensee Retail Store. Improved retail services in the RDCO’s rural westside community may reduce trip demand and vehicle kilometres travelled to urban centres, which aligns with the RDCO’s greenhouse gas emission reduction policy goals. However, given the temporary status of the existing building on site, which must be removed by June 29, 2025, it is not considered appropriate to expand retail offerings to liquor sales at this time.
  - b. The person capacity and hours of liquor service:  
The number of patrons attending a store in this location, and the proposed opening hours, are not expected to significantly impact the community.
  - c. The impact of noise on the community in the vicinity of the establishment:  
Given the size of the subject property and the size of the establishment, the RDCO does not anticipate that noise from the Rural Licensee Retail Store will impact neighbouring property owners.
  - d. The general impact on the community if the application is approved:  
Additional retail services at the subject property may offer additional neighborhood convenience retail services to the community.
  - e. The views of residents  
Public comments submitted in response to public notifications are attached to the report presented to the Regional Board.
3. Public notification of this proposal was conducted according to the RDCO’s Development Application Procedures Bylaw No. 1527. Mailed notices were sent to property owners within 150m of the subject property, a notification sign was posted at the property boundary, and notice was published on the RDCO’s website.

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Respectfully submitted by: Shaun O’Dea, Senior Planner

Report Approved by: Danielle Noble Brandt, Director of Development and Engineering Services

Approved for Agenda: Sally Ginter, Chief Administrative Officer

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**Strategic Plan Alignment:**

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|--|---|
| <input type="checkbox"/> Emergency preparedness  | <input type="checkbox"/> Truth and reconciliation   |
| <input type="checkbox"/> Health and wellness     | <input type="checkbox"/> Environment and climate – Regional priority only                 |
| <input type="checkbox"/> Regional transportation | <input checked="" type="checkbox"/> Growth and development – Electoral Area priority only |
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**Background:**

10358 Westside Road was originally three residential zoned parcels created by the Westshore Estates subdivision in 1973. The three parcels were rezoned for commercial use in 1987 and consolidated into a single lot in the 1990s. Today, the subject property is one of the few locations in the rural westside community that permits a combination of commercial and residential uses.

In June 2023, the Regional Board approved a commercial Development Permit and associated variances to allow for a retail store to be operated out of a 12’ by 40’ prefabricated building on the property. It was acknowledged that the site design did not achieve the Rural Westside OCP General Commercial Development Permit Area design and landscaping guidelines, however, approval allowed the applicants

to evaluate local market conditions to determine whether there was an opportunity for a more comprehensive and permanent development in the future.

The BC Building Code and other enactments respecting the health, safety and protection of property and persons do not typically allow occupancy permits to be issued for buildings not connected to running tempered water and hygienic washing facilities. However, where temporary in nature, a building official may adapt certain code requirements provided that safety is not reduced. The prefabricated building was temporarily permitted, under the condition that the building be removed by June 29, 2025.

### Proposal:

To complement their current retail offerings, the applicant is seeking LCRB approval to establish a Rural Licensee Retail Store which would allow sales of unopened liquor containers, and samples to be served from 7:00 AM to 11:00 PM.

The LCRB has determined initial applicant eligibility for the Rural Licensee Retail Store, and the RDCO now has the opportunity to provide comments and recommendations.

### Site context:

The subject property is set back from Westside Road by a wide highway shoulder and much of the site is a flat gravel area situated several metres below the elevation of the neighbouring parcels. Community notice boards, mailboxes and newspaper boxes are located near the southern end of the property. Retail operations cover approximately 10% of the subject property and consist of sales from within the prefabricated building, temporary washrooms, and a patio area.

In the upper west side, La Casa Kitchen holds a Food Primary liquor license. North of La Casa there are approximately 1,500 rural and residential properties that may utilize local retail services, with additional residences beyond the RDCO boundaries in the OKIB and RDNO jurisdiction.

### Additional information:

<b>Owner:</b>	Julie Allen
<b>Applicant:</b>	Cliff Allen
<b>Address:</b>	10358 Westside Rd
<b>Legal Descriptions:</b>	Lot 1, Plan KAP54481, District Lot 3688, ODYD
<b>Lot Size:</b>	0.32 ha (0.783 acres)
<b>OCP Designation:</b>	Commercial
<b>Zone:</b>	C2 Neighbourhood Commercial
<b>Existing Use:</b>	Retail Store
<b>Surrounding Uses:</b>	<b>North-East:</b> Telephone Exchange (P2 Zone) <b>South-East:</b> Westside Road / Commercial Resort <b>South-West:</b> Westshore Road / Residential Low Density <b>North-West:</b> Laneway / Residential Low Density
<b>ALR:</b>	Outside of the ALR
<b>Fire Protection:</b>	North Westside Fire Protection Area
<b>Water Supply:</b>	Temporary reservoir tank (within Westshore Estates supply area)
<b>Wastewater Disposal:</b>	Temporary holding tank / portable toilets

### POLICY CONSIDERATIONS:

#### Rural Westside Official Community Plan Bylaw No. 1274

The following OCP objectives, policies and guidelines are applicable to this proposal:

## Chapter 7: Commercial

The growth management and transportation demand management concepts encourage some form of limited local commercial uses to serve the needs of local and recreational communities and reduce the number of trips and the length of trips outside the area.

Objectives: The Regional District's commercial objectives are to:

- 1: Encourage good quality local commercial uses to serve the existing rural, residential and recreation communities.

Policy: The Regional District will:

- 1: Limit local commercial uses to those existing zoned areas, or where they may be developed in conjunction with resort developments
2. Not support commercial development along Westside Road beyond that which may already be zoned or designated.

## Chapter 14: Greenhouse Gas (GHG) Emission Reduction

### Zoning Bylaw No. 871

The C2 Neighbourhood Commercial zone allows for mixed uses, including retail and apartment housing.

### Building Bylaw No. 1482

Subject to RDCO regulations, building officials may issue a permit for the erection or placement of a temporary building or structure under part 11 of the RDCO Building Bylaw.

### RDCO TECHNICAL COMMENTS:

**Building Inspection Services** - The applicant's original proposal in 2023 was presented as a means to test the market over a period of one to two years, to validate whether permanent retail, restaurant and apartment development at the site would be viable. Given the future build-out was yet-to-be determined, it was not practical for the applicant to design and develop on-site services, and they sought guidance from the RDCO on opportunities for temporary buildings and associated services.

The BC Building Code and other enactments respecting the health, safety and protection of property and persons do not typically allow occupancy permits to be issued for buildings not connected to running tempered water and hygienic washing facilities. However, where deemed temporary in nature the minimum building code requirements may be adapted, provided that safety is not reduced. Associated permits may only be issued on a temporary basis, having an end date as a written condition, and must be visibly displayed on or within the temporary building.

The temporary test the market solution was foundational to the RDCO staff review of the original retail proposal, and the planning departments recommendation to the Regional Board which was approved. The building was temporarily permitted under the condition that the building is removed, and commercial operations cease at the subject property on or before June 29, 2025.

The proposed Rural Licensee Retail Store expands the scope of operations beyond the original proposal, which formed the basis of the RDCO's conditions of approval. With only three months remaining under the building permit, operational expansion could conflict with the project's intended temporary status and the agreed-upon timeline for removal of the structure. For these reasons, RDCO Inspection Services does not recommend support for the Rural Licensee Retail Store at this time.

**Business Licensing Inspection Services** - At the time of writing this report, the 2025 business license for the Westshore general store (JHC501) remains unpaid.

**Engineering Services** - A water service connection is available at the lot line near the northeast corner of the property, should the applicant decide to connect in the future.

### AGENCY REFERRAL COMMENTS:

**Ministry of Transportation and Transit** - The Ministry has issued a commercial access permit for the property and has no concerns with the proposal.

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### Considerations:

- External: This application has been processed in accordance with RDCO Board Policy No. 3.38, Liquor License Policy & Procedure. Public notification processes were undertaken as per Regional District of Central Okanagan Development Application Procedures Bylaw No. 1527. Mailed notices were sent to 22 property owners within 150m of the subject property, a notification sign was posted at the property boundary, and notice was published on the RDCO's website. At the time of writing this report, no public feedback was received.
- The application was referred to the Interior Health Authority and RCMP, no comments were received in response.
- Legal/Statutory Authority: The Provincial Liquor and Cannabis Regulation Branch defines processes for local government, first nation, and community input within section 11 of the LCRB's [Policy Manual](#).
- Alternate Recommendation: **THAT** the Regional District of Central Okanagan Board provides the following comments to the Provincial Liquor and Cannabis Regulation Branch referral, for the subject property at Lot 1, Plan KAP54481, District Lot 3688, ODYD;
1. The Regional District of Central Okanagan Board recommends support for the application to establish a Rural Licensee Retail Store at the subject property at Lot 1, Plan KAP54481, District Lot 3688, ODYD, subject to the following conditions:
    - The applicant applying for and being granted a new RDCO temporary building permit with an expiry date of December 31, 2025, specifying building removal and site restoration requirements, and associated enforcement conditions, and
    - The Rural Licensee Retail Store liquor license being scheduled to expire on December 31, 2025.
  2. The Regional District of Central Okanagan Board has considered the following:
    - a. The location of the establishment:  
The subject property is zoned appropriately for a Rural Licensee Retail Store. Improved retail services in the RDCO's rural westside community may reduce trip demand and vehicle kilometres travelled to urban centres, which aligns with the RDCO's greenhouse gas emission reduction policy goals. Given the June 29, 2025 expiration of temporary building permit for the prefabricated structure on site, and the applicants request to extend permits to allow trading throughout the summer of 2025, a

- new temporary building permit must be approved by RDCO Inspection Services.
- b. The person capacity and hours of liquor service:  
The number of patrons attending a store in this location, and the proposed opening hours, are not expected to significantly impact the community.
  - c. The impact of noise on the community in the vicinity of the establishment:  
Given the size of the subject property and the size of the establishment, the RDCO does not anticipate that noise from the Rural Licensee Retail Store will impact neighbouring property owners.
  - d. The general impact on the community if the application is approved:  
Additional retail services at the subject property may offer additional neighborhood convenience retail services to the community.
  - e. The views of residents  
Public comments submitted in response to public notifications are attached to the report presented to the Regional Board.
3. Public notification of this proposal was conducted according to the RDCO's Development Application Procedures Bylaw No. 1527. Mailed notices were sent to property owners within 150m of the subject property, a notification sign was posted at the property boundary, and notice was published on the RDCO's website.

Considerations not applicable:

- Organizational
- Financial

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Attachments:

1. Orthophoto Map
2. Referral from Liquor and Cannabis Regulation Branch
3. Applicant Rationale
4. PowerPoint presentation slides
5. Public Comments

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