STAFF REPORT

ISSUE INTRODUCTION

We have received a referral from the Kettle Valley Golf Club for their application to the Liquor and Cannabis Regulation Branch (LCRB) to renovate the clubhouse and patio (see Applicant Submission).

HISTORY / BACKGROUND INFORMATION

<table>
<thead>
<tr>
<th>Property Information</th>
</tr>
</thead>
</table>
| **Owner(s):** | Village of Midway  
Kettle Valley Golf Club |
| **Applicant(s):** | Aaron Rexin General Manager, Kettle Valley Golf Club |
| **Location:** | 3280 Highway 3 |
| **Electoral Area(s):** | Electoral Area ‘E’/ West Boundary |
| **Legal Description:** | Lot 11, Plan KAP843, DL 514, SDYD |
| **Area:** | 31.3 hectares (77 acres) |
| **Current Use(s):** | Golf Course |

<table>
<thead>
<tr>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use Bylaw:</strong></td>
</tr>
<tr>
<td><strong>ALR</strong></td>
</tr>
<tr>
<td><strong>Floodplain</strong></td>
</tr>
</tbody>
</table>

The golf course has been operating since 1923. A liquor license was obtained in 1988, and in 2014 the liquor serving hours were set for 10:00AM-10:00PM.
A portion of the property is within the ALR. In 1988 the ALC approved construction of a pump house and irrigation system to service the golf course in the ALR portion of the property. The portion of the property with the clubhouse is not in the ALR.

The clubhouse is within the floodplain of the Kettle River. Although the site is over 30 m from the edge of the river. The underside of any structure for human occupation must be above 589.0 m. Confirming whether or not the construction this elevation would be done as part of the building permit application process.

**PROPOSAL**

The applicant is proposing to update their license for renovations completed in 2018, and to include renovations planned for 2019.

The 2018 renovation increased the size of the patio. The 2019 renovation would replace windows and sliding doors to improve energy efficiency. There is no change to hours, only to the sales area.

**IMPLICATIONS**

There are no land use bylaws in effect to evaluate the proposed use.

If the RDKB wants to provide comments on a permanent change to a liquor license application\(^1\), Section 71(9) of *The Liquor Control and Licensing Regulation* requires the local government to consider the following criteria:

- the potential for noise if the amendment is approved;
- the impact on the community; and
- whether the amendment may result in the establishment being operated in a manner contrary to its primary purpose.

If the amendment may affect nearby residents, the local government must gather the views of residents in accordance with provisions of *The Liquor Control and Licensing Act*. The options for this are:

i. receiving written comments in response to a public notice of the licence application,

ii. conducting a public hearing in respect of the licence application,

iii. holding a referendum, or

iv. any other similar method determined by the local government.

The RDKB solicits the views of nearby residents and the larger community by requiring the applicant to place a sign or signs on the property, visible at or near the front of the

---

\(^1\) Local government or First Nations can waive the opportunity to comment on these applications. However, if they elect to comment then they must comply with the prescribed criteria in the Liquor Control and Licensing Act and the implementing Regulation.
building, by the main entrance, and other conspicuous spots where residents, patrons
and members of the community can easily see it and have an opportunity to comment.

The RDKB creates the signs for display and provides them for the applicant. However,
due to the seasonal nature of the golf course, the golf course is currently snowed in
and access is not available. Signs have been posted on a bulletin boards in Rock Creek
and Midway.

- One at the Rock Creek General Store;
- and one at McMynn Foods in Midway.

Any comments generated from residents, the community, and APC are provided to the
Board for their consideration, and the LCRB.

**ADVISORY PLANNING COMMISSION (APC)**

The APC supported the proposed liquor license amendment during their January 7,
2019 meeting.

**RECOMMENDATION**

Be it resolved that:

1. The Board recommends the primary liquor license for the Kettle River Golf Club
   be supported for the following reasons:
   a. The liquor license should have no impact on the residents, community, or
      neighbouring properties.

2. The Board’s comments on the prescribed considerations are as follows:
   a. The potential for noise:
      i. No negative noise impact to the community is anticipated by
         approving this application.
      ii. The RDKB does not have a record of noise related or other
          disturbance complaints associated with this business.
   b. The impact on the community:
      i. It is anticipated that the proposal would not negatively impact the
         Rock Creek area. There has been no complaints regarding traffic
         from this location in the past.
   c. Is the amendment contrary to the primary purpose of the establishment:
      i. The business operates as a golf course. There are no land use
         bylaws in effect for this property to regulate land use. The license
         will not affect the primary purpose of the establishment.

3. The Board’s comments on the views of the residents are as follows:
   a. The applicant was provided with two ‘notice of the proposal’ signs. These
      were posted on communal bulletin boards in Rock Creek and Midway on
January 18, 2019. No comments were received at the time this report was prepared.

ATTACHMENTS

Site Location Map
Subject Property Map
Applicant Submission
Subject Property Map
Lot 11, Plan KAP843, District Lot 514
Similkameen Div of Yale Land District
Except Plan H1

Date: 12/17/2018

1:10,000

Kettle Valley Golf Club

Document Path: P:\PD\EA\E\E-514-03133.000 Kettle Valley Golf\APC\2018-12-17_SPM_E-514-03133.000_KVGC.mxd
KETTLE VALLEY GOLF CLUB'S LIQUOR APPLICATION - OVERVIEW

The Kettle Valley Golf Club, (KVGC) has been in operation since 1927 and is located east of Rock Creek on Highway #3. It is a nine hole golf course with a Club House facility which includes a licensed restaurant and patio. The premises are owned by the Village of Midway and managed by a Board of Directors comprised of members of the golf club. Staffing includes a General Manager who oversees the ground crew and restaurant personnel. Besides the operation of the golf course the KVGC operates a restaurant facility offering food and refreshments including liquor. The entire golf course, including the nine hole course, the club house with the restaurant and patio are fully licensed.

In the spring of 2018 the KVGC undertook to renovate the existing outdoor, ground level, patio with a view to enhance its appearance and to make it more comfortable. The patio floor was resurfaced with cement, a pergola over top of the patio was installed and the surrounding area landscaped with grass and flower pots. In making these improvements the total patio area was enlarged as per the attached drawing.

The KVGC is also preparing to replace the windows and sliding glass doors in the restaurant area to provide improved energy efficiency. The current glass areas are old and single pane and due to age, extensive use, and some settling of the building are inefficient causing drafts and air leakage. The proposal is to replace the glass areas and doors and upgrade the overall building energy efficiency during the winter of 2018/19.

It should be pointed out that most of the work is done and will be done by volunteer members of the KVGC. The facility is well supported by its members who are local residents of the Boundary area. Where necessary skilled personnel are hired from within the local community.
Application Contact Person

Name: [Aaron Rexin]  Phone number: [Redacted]
Fax number:  E-mail address: [Redacted]

Part 1: Addition of New Outdoor Patio

Provide the following information:
1. Attach one 11" x 17" copy of the proposed patio floor plan (see Appendix I on page 6 for floor plan instructions).

   The branch requires an occupant load (patrons plus staff) for the proposed patio area(s) which must be marked/stamped and dated on the plan you submit. Do not submit this application if you do not have the occupant load calculation stamped on your patio plans.

2. What is the occupant load calculation for the new patio(s)?
   - Patio #1: [15]  - Patio #2:  - Patio #3: 

3. If the patio(s) is already constructed, attach a photo.

4. Describe the height and composition of the patio perimeter or bounding (i.e. railings, fencing, planters, hedging, etc.). A patio must be bounded by fixed and immovable physical separation in order to control patrons and liquor within the service area.

   The patio is immediately adjacent to the main clubhouse on two sides, enclosed by netting along another side to restrict errant golf balls flying onto the patio and on in the south side to allow access to rental golf carts.

5. Describe the location of the patio in relation to the licensed interior - the patio must be immediately adjacent to the interior area.

   Adjoining the clubhouse, the entire golf facility including the nine hole golf course, the clubhouse and the patio are licensed for liquor sales.

6. Describe how staff will manage and control the patio from the interior service area.

   The wall adjacent to the patio is comprised of floor to ceiling windows and a sliding door allowing full visibility of the patio and patrons from the inside restaurant area. The staff also serve the patrons via the sliding door.

7. Specify if liquor service to the patio is from: (a) fixed bar located on the patio, (b) portable bar for the patio, (c) licensed interior.

   Licensed Interior

8. Do servers have to carry liquor through any unlicensed areas to get to the patio? Explain:

   [Do]

Note: Patios on grass, earth or gravel require a permit from the local Health Authority. Sidewalk patios require a permit from LG/FN.

A resolution from your Local Government/First Nation is required. Part 3 of this form must be completed by Local Government/First Nation.

You must also complete Parts 4 and 5.
Part 2: Structural Changes
(Excluding construction of new patios)

Provide the following information:

1. Describe in full detail the reason for this application and what the changes are that you want considered.

   The patio has been renovated and enlarged in the spring of 2009. The glass windows and sliding doors within the restaurant are to be upgraded during the spring of 2010 to improve energy efficiency.

2. If you are applying to remove the interior area and create a stand-alone patio, describe the location of the patio in relation to the unlicensed permanent structure. A stand-alone patio must adjoin a permanent structure (affixed to a foundation) which is plumbed and wired, and which the applicant owns or leases.

   N/A

3. Attach one 11" x 17" copy of the proposed floor plan or patio plan (if creating a stand-alone patio). See Appendix I on page 6 for floor plan instructions.

4. Current total of all service areas (as shown on the liquor licence): 51

5. By making these alterations, the total occupant load will:

   - Decrease to: __________________________ (patrons plus staff)
   - Stay the same: 51 (patrons plus staff)
   - Increase to: __________________________ (patrons plus staff)

   If there is an increase to occupant load, a resolution from your Local Government/First Nation (LG/FN) is required. Take your application and floor plan to LG/FN. Part 3 of this form must be completed by LG/FN.

Part 3: Local Government/First Nation Resolutions: Confirmation Receipt of Application

If you are applying for a new patio (Part 1) or a proposed change that increases the occupant load (Part 2) then public interest factors may be affected by the structural change(s). This section is to be filled out by the LG/FN prior to submitting this application to the Branch.

Local Government/First Nation (name): Regional District of Kitwana Boundary

Name of Official: Theresa Leonard Title/Position: Corporate Officer

Phone: __________________________ E-mail: __________________________

Signature of Official: __________________________ Date: 12/06/18

Check here if the LG/FN will not be providing comment: Yes, opting out of comment.

Note: The LG/FN cannot provide comment for their own application.

Is this establishment located on Treaty First Nation land? No  Yes

Instructions for Local Government/First Nation (LG/FN)

This serves as notice that an application for a structural change to a liquor primary (LP) licence is being made within your community. The Branch requests that you consider this application (application form and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, LG/FN can delegate staff with the authority to provide comment.

- The applicant will bring their completed Structural Change application form and floor plan to LG/FN.
- If there are any major issues LG/FN may hold off signing the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will sign Part 3 of the application form and return it to the applicant. LG/FN will keep a copy of the signed application form and all supporting documents.
- The applicant will submit the signed application package (with all required documents) to the Branch.
Kettle Valley Golf Club
Clubhouse

Regional District of Kootenay Boundary
Plans Reviewed (as noted) Subject to
All Relevant Bylaws
Date: Oct 29, 2015

Applicant Submission