



Regional Board Report

Request for Decision

Approved for Board Consideration

A handwritten signature in black ink, appearing to read "Corie Griffiths".

Corie Griffiths, Deputy CAO

To: Regional Board

From: Todd Cashin
Director Community Services

Date: June 9, 2022

Subject: Liquor and Cannabis Regulation Branch Referral – Lake Okanagan Resort
(Temporary Expanded Service Area)

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

Purpose: To consider a Liquor Control & Cannabis Regulation referral for a Temporary Expanded Service Area authorization that permits outdoor liquor service at the beach/marina area of Lake Okanagan Resort.

Executive Summary:

In response to the COVID-19 pandemic and the Provincial Health Officer's (PHO) orders, the Liquor and Cannabis Regulation Branch (LCRB) implemented Temporary Expanded Service Area (TESA) authorizations starting in May of 2020. A TESA authorizes Food Primary, Liquor Primary, and Manufacturer licensees to temporarily expand their service areas but does not increase the approved occupant load or capacity. The increased service area allowed licensees to serve patrons while complying with the PHO's guidelines regarding physical distancing.

Licensees were able to apply online for an expedited TESA authorization at no charge until November 1, 2021 with an option to extend an existing TESA from June 1, 2022 to March 31, 2023.

As staff understand, the Okanagan Beach Club is an extension of the existing restaurant located within Lake Okanagan Resort and was authorized under the LCRB to temporarily expand their service area. An extension authorization from the LCRB is now required.

The extension application for expanded service area authorization (that permits outdoor liquor service at the beach area of Okanagan Lake Resort) was referred to both internal and external agencies and partners identified a number of concerns related to noise, unsafe boating, fire safety and inadequate emergency plans. Given these concerns, staff are recommending non-support for this referral.

Recommendation(s):

THAT the Regional Board receives the report regarding the Liquor and Cannabis Regulation Branch Referral -Temporary Expanded Service Area for Lake Okanagan Resort from the Director of Community Services dated June 9, 2022, for information.

AND THAT the Regional Board direct staff to respond to the Liquor and Cannabis Regulation Branch recommending non-support for the Temporary Expanded Service Area application for the Lake Okanagan Resort Liquor License.

Respectfully Submitted:



Brittany Nichols, Manager of Development Services for
Todd Cashin, Director of Community Services

Prepared by: David Gazley, Manager Protective Services

Attachment(s): PowerPoint Presentation
 TESA Authorization & Site Plan
 Letter of Non-Support – West Kelowna RCMP
 Internal Memorandum of Non-Support - RDCO Fire Services

Strategic Plan Alignment:

Priorities: Sustainable Communities, Environment

Values: Relationships, Collaboration

Background:

Opened in 1979, Lake Okanagan Resort is located on close to 300 acres along Westside Road and is comprised of various seasonal and permanent residential uses: hotel, wedding venue, spa, restaurant, swimming pools, golf course, beach area, and marina. Lake Okanagan Resort is regulated by Land Use Contract 225 established in the 1970's, amended in the 1990s, and the zoning permits one restaurant, clubhouse, and marina uses.

As staff understand it, the Okanagan Beach Club is an extension of the existing restaurant which complies with zoning regulations.

Compliance History:

In collaboration with partners, a Property Standards & Compliance Team (PSCT) was created in October of 2021. The PSCT is comprised of members from the RCMP, IHA, LCRB, Municipal Bylaw Departments, Regional Fire Services, Development Services and Bylaw Services. The mandate of the PSCT is to review health, safety, and security complaints received within our local communities and respond through a coordinated, multi-agency team, focused on the issues that have a negative impact on our communities.

On March 1st, members of the PSCT completed a site visit to the Okanagan Beach Club. As a result, a number of concerns were observed.

Complaint History:

In the last five years, both the RCMP and the Wilsons Landing Fire Department have experienced an increase in the number of calls for service to the Lake Okanagan Resort.

Bylaw Services has also responded to various complaints including noise, open fires, overflowing garbage (attracting nuisance bears) and COVID-19 Public Health Order related offenses.

Agency Referral Comments:

West Kelowna RCMP commented that over the past 5 years (2017-2021) they have received 169 calls for service at the resort. Identified issues include crowd sizes, inadequate parking and remoteness for a quick response time to the Okanagan Beach Club. Given this, the West Kelowna RCMP are not in an ideal position to deal safely and effectively with any large crowd control or alcohol related occurrence.

Interior Health acknowledge that the Okanagan Beach Club has a permit to operate their food premises as they meet requirements set out in the Food Premises Regulation. Further, IHA staff advised the operator must meet requirements set out by other agencies for all activities in this area.

RDCO Technical Comments:

Fire Services have identified concerns with emergency egress, increased medical calls for intoxication and drug overdose, and inadequate emergency plans.

Business Licensing note that Lake Okanagan Resort currently has an active business license for the resort management, hotel, restaurant, and golf course, as well as, three other licenses for vacation rentals, marina, catering and entertainment. The hotel restaurant remains licensed to operate under Business Licensing Bylaw No. 689 which places the responsibility on the license holder to operate in accordance with applicable regulations.

An additional business license application has been submitted to the RDCO for the third-party contractor (Okanagan Beach Club) to run the event centre, restaurant, and "Tiki Bar".

Protective Services note extending this TESA may continue to deplete police and fire resources and negatively impact the health, safety, and security of patrons.

Considerations:

Legal/Statutory Authority: Jurisdiction for approving the referral application lies with the Provincial LCRB.

Considerations not applicable:

- Organizational / External
 - Financial
 - Alternate Recommendation
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