

THE VILLAGE OF KASLO Resolution 157/2018

POLICY TITLE: LIQUOR AND CANNABIS RETAIL LICENSING PROCEDURE

POLICY STATEMENT & BACKGROUND:

The process for the issuance of retail licensing for Liquor and Cannabis Retail is the sole jurisdiction of the Provincial government under the Liquor and Cannabis Regulations Branch. Local governments have been provided opportunity to provide recommendation on all license applications and must provide opportunity for community feedback prior to making formal recommendation of support or non-support.

The process requirements are similar for both types of licensing and as such the Village will process the licensing of both liquor and cannabis in a similar manner. This procedure does not apply for Liquor Licensing for the purposes of establishments licensed under the Liquor Control and Licensing Act, such as food and beverage establishments or special event permits.

POLICY OBJECTIVE:

A clear, consistent and fair approach to the procedure when one is triggered within the Village of Kaslo.

It is important for staff, elected officials and applicants to remember that this policy neither replaces nor supersedes specific bylaw regulations – these bylaw regulations are neither amended nor repealed by this policy and cannot be varied or changed by resolutions to amend or repeal this policy before, during or after an application review process. All stakeholders should consider Procedure sections 4 and 8 in this context.

REVIEW:

This policy should be reviewed every 2-3 years to ensure that it is still reflective of other Village and government policies, bylaws and legislation.

PROCEDURE:

1. Upon receipt of a notice of intent to apply for or obtain a license for Liquor or Non-medical Cannabis Retail Sales, Village planning staff will open a file and issue a fee receipt to the applicant.
2. Any application for a business licence or planning approval received from the applicant may be processed at the same time, but it must not be regarded or treated as part of the same process.

3. The fee shall be found in Schedule 'G' of the current Fees and Charges Bylaw and shall be rendered in full, in advance of any processing work being undertaken.
4. If it is determined during staff's review of the notice of intent that the proposal does not conform to relevant Village bylaws and policies, the applicant/agent will be notified. Village planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance, development permit or use analysis.
5. A referral information package will be compiled by Village planning staff for notification to Council, local fire department, local law enforcement and adjacent property owners. Information prepared will include: notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. The referral information package will be provided electronically and by mail with a referral response period of thirty (30) days.
6. A newspaper notification will also be placed to solicit further public comment.
7. A referral package may be sent to any municipal committee or Commission that Council may choose to solicit advice from. Kaslo and District Chamber of Commerce shall be sent a referral package electronically for their information or potential response.
8. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report for Committee of the Whole. Preference will be provided for applications that take into consideration municipal regulations from the outset, if applicable:
 - a. Conformance with relevant Village bylaw and policies, including business, water and sewer utility regulation;
 - b. Conformance with Regional District of Central Kootenay building regulations/ BC Building Code;
 - c. Licences will not be supported in a dwelling place or as a home-based occupation;
 - d. Licences for Cannabis Related Business in the Commercial Core will not be supported if 2 permitted businesses are already in operation and in good regulatory standing (Section 3.5.6 Bylaw 1130);
 - e. A Licence for a Cannabis Related Business in the Commercial Core will not be supported if it is proposed that it operate adjacent to the property line of an existing Cannabis Related Business (Section 3.5.6 Bylaw 1130);
 - f. Licences that include Light Industrial uses (defined in the zoning bylaw) that, in the assessment of Public Works, may adversely impact wastewater treatment operations, will not be supported without a satisfactory use analysis provided by a qualified professional consultant (Section 3.5.7 Bylaw 1130).
9. The applicant is invited to attend the Committee of the Whole (COW) meeting at which their application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, COW will make a recommendation to Council.

10. Council will, upon receipt, consider COW's recommendation. Council may support the application not support the application, or request that the applicant provide further information.
11. Once the Council minutes have been prepared, the applicant and the appropriate approval authority will be notified in writing of the outcome.

THIS POLICY WAS CONSIDERED AND ADOPTED BY COUNCIL ON OCTOBER 23rd 2018
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SUPERCEDES: None