

# REPORT TO COUNCIL



**Date:** February 4, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department (WM)

**Application:** LL19-0010      **Owner:** Blair Wilson

**Address:** 4380-4400 Wallace Hill Road      **Applicant:** Forbidden Spirits Distilling Co.

**Subject:** Liquor License Application

**Existing OCP Designation:** REP – Resource Protection Area

**Existing Zone:** A1 - Agriculture 1

**Agricultural Land Reserve:** Yes

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## 1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor & Cannabis Regulation Branch (LCRB):

In accordance with Section 71 of the Liquor Control and Licensing Regulation and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Forbidden Spirits Distilling Co. for a Lounge and Patio for Lot 2 District Lot 360 ODYD Plan 39632 located at 4380-4400 Wallace Hill Road, Kelowna, BC, for the following reasons:
  - a) The requested change of hours introduces maximum person capacity for patio and lounge addition.
2. Council's comments on the LCRB'S prescribed considerations are as follows:
  - a. **The location of the lounge and patio:** The patio and lounge are within 60m of a neighbouring residence.
  - b. **The proximity of the establishment to other social or recreational facilities and public buildings:** The subject property is within 1km of Soma Craft Cidery, Nagging Doubt Winery and Myra-Bellevue Provincial Park.
  - c. **The person capacity of the distillery related uses on the subject property:** The purposed person capacity for the patio and lounge: Patio – 68 persons; and Lounge – 34 persons. The total person capacity of the distillery related uses is 102 persons.

- d. **Traffic, noise, parking and zoning:** The subject parcel has parking on the southwest portion and with the application to extend the hours, parking is not anticipated to be an issue for the surrounding neighbourhood.
  - e. **The impact on the community if the application is approved:** The application to add a lounge and patio, which may lead to an increase in community noise concerns if the requested change in hours is approved.
3. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. A sign was posted on the property notifying neighbours 10 days in advance of the Council meeting. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

## **2.0 Purpose**

To consider a Liquor License application for a Lounge and Patio as part of the current distillery operation and existing Manufacturers License.

## **3.0 Development Planning**

The application proposes to add a Lounge Endorsement to an existing Manufacturer Licence to accommodate the expansion of the distillery operation. The extended hours generally align with large scale winery's in the area.

The proposed Liquor License changes would allow the distillery to have 102 people on the property at a given time. The hours are set in place to limit the impact on the existing neighbourhood including the single family houses in close proximity to the distillery.

The proposed expansion is intended to complement the primary agricultural use and current distillery operation. However, the change in the hours and addition of the lounge endorsement does not directly increase the amount of land used for events or other ancillary uses.

## **4.0 Proposal**

### **4.1 Background**

The property is known as Forbidden Spirits Distilling Company, and currently has a small tasting room open from 12-5 Thursday-Sunday. Monday-Wednesday the property is open but is by appointment only. The property includes liquor offsales from 12-5pm Monday-Sunday. These limited hours do not see a high volume of patrons in the area. The current site and proposed changes to the subject property are shown on the site plan below.



Patio				Max Persons Outdoor: 68			
Open	11am	11am	11am	11am	11am	11am	11am
Close	10pm	10pm	10pm	10pm	10pm	10pm	10pm

#### 4.3 Site Context

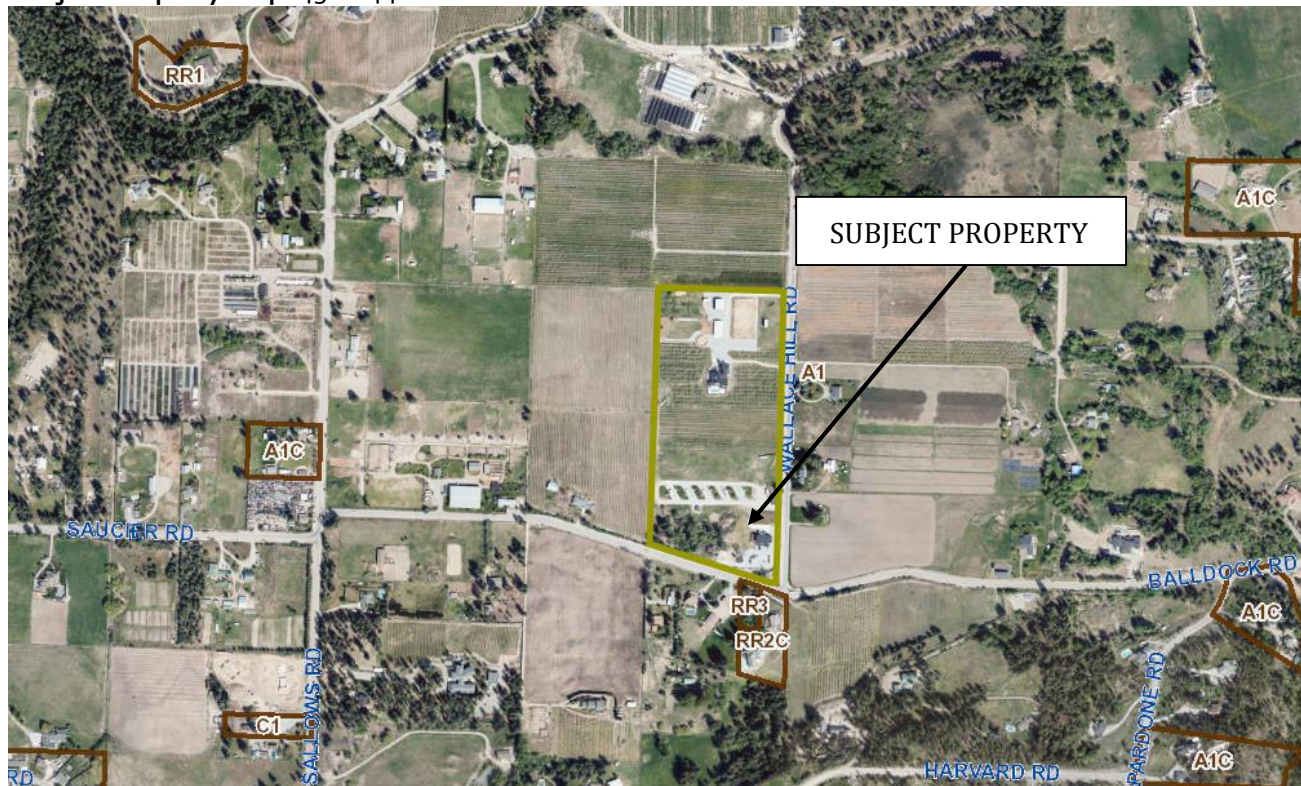
This parcel is 8.3 ha (20.5 acres) in area, has a future land use designation of REP – Resource Protection Area, is zoned A1- Agriculture and is within the Agriculture Land Reserve. The surrounding properties are primarily agricultural, with a mix of single family dwellings.

There are currently a variety of uses on the subject property. These include the following existing buildings: owner's home, horse stable and shed, tractor shed, tasting room, distillery proprietor's office, mobile home, and the Apple Orchard RV Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1	Fruit Production
East	A1	Fruit Production, Single Family Dwelling and Grain Production
South	A1, RR3 & RR2C	Single Family Dwellings
West	A1	Fruit Production

#### **Subject Property Map: 4380-4400 Wallace Hill Road**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

## Chapter 5: Development Process – Agricultural Land Use Policies

### Objective 5.33 Protect and Enhance Local Agriculture

Policy. 1 *Protect Agricultural Land*. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy. 3 *Urban Uses*. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy. 5 *Agri-Tourism, Wineries, Cideries, Retail Sales*. Support agri-tourism uses that can be proven to be in aid of and directly associated with established farm operations. Permit wineries, cideries and farm retail sales (inside and outside the ALR) only where consistent with existing ALC policies and regulations.

### 5.2 City of Kelowna Agriculture Plan (2017)

*Theme 1: Strengthening local policies and actions to protect agriculture.*

Action 1.2d On agricultural lands, locate farm retail sales, wineries, cideries, breweries, distilleries, and any other structures and services related to the public that are defined as farm uses under the ALC Act near the road or entrance (or where geographically appropriate), in order to reduce the footprint and extent of services through the property with the intent of maximizing agricultural potential.

### 5.3 Agricultural Land Commission Act

Policy L-04 Activities Designated as Farm Use: Agri-tourism Activities in the ALR (excerpts):

- The highest priority is the agricultural activity that takes place on the farm.

Policy L-22 Activities Designated as a Permitted Non-Farm Use: Gathering for an Event in the Agricultural Land Reserve ("ALR")

- Parking areas must not be permanent (asphalt, concrete, gravel, etc) and parking must not interfere with the farm's agricultural productivity. All vehicles visiting the farm for agri-tourism activity must be parked on site. To minimize impacting farm land, parking should be along field edges, adjacent to internal farm driveways and roads and in farm yard areas or immediately adjacent to farm buildings and structures.

## 6.0 Application Chronology

Date of Application Received: February 21<sup>st</sup>, 2019  
Date of Application Revised: December 18<sup>th</sup>, 2019

Report prepared by: Tyler Caswell, Planner I

**Review by:** Wesley Miles, Acting Community Planning and Development Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: Floorplan – Occupant Load