

REPORT TO COUNCIL



Date: July 12, 2022

To: Council

From: City Manager

Department: Development Planning

Application: LL22-0002

Owner: Canada West Tree Fruits Ltd.
Inc.No. 1146628

Address: 2287 Ward Rd

Applicant: Canada West Tree Fruits dba
The View Winery

Subject: Liquor Licence Application

Existing OCP Designation: R-AGR - Rural – Agricultural & Resource

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

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

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Canada West Tree Fruits dba The View Winery for a special event area endorsements for Lot B Section 4 Township 26 ODYD Plan KAP78689 Except Plan KAP88849, located at 2287 Ward Rd, Kelowna, BC for the following reasons:
 - the special event area does not negatively impact farming operations.
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for a winery lounge or special event area endorsement:

 - a. **The location of the winery's special event area endorsement:** SEA 1 is in close proximity to main building. SEA 2 is near middle of the site. SEA 3 overlaps the Picnic Endorsement Area adjacent to the main building.
 - b. **The proximity of the winery's special event area endorsement to other social or recreational facilities and public buildings:** The subject property is rural in nature and not in close proximity to other social or public buildings.

c. **The person capacity of the winery lounge:** The maximum person capacity for each Special Event Area would be 50 persons.

d. **Traffic, noise, parking and zoning:** Special event areas have been strategically placed to be mindful of neighbouring properties. Parking is proposed in existing parking area and along established farm roads onsite. No loss to active farming will take place.

e. **The impact on the community if the application is approved:** Minimal impact to the community if Special Event Areas are 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. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Purpose

To seek Council's approval for three Special Event Area Endorsement licences with occupancies of 50 persons.

2.0 Development Planning

Staff recommend support for the addition of three Special Event Area Endorsements. The 88 acre orchard and vineyard is seeking three separate event areas each of which will serve specific purpose.

The proposed Liquor License change would allow the winery to have up to 50 additional people on the property for special events. The hours set in place will help limit the impact on the existing neighbourhood including the single family houses in close proximity to the winery. The proposed expansion is intended to complement the primary agricultural use and current winery operation.

3.0 Proposal

3.1 Background

The property is known as The View Winery and currently has a manufacturer licence, indoor and outdoor wine tasting and Picnic Endorsement Area. The winery is currently open 11am-5:30pm seven days a week.

The 88 acre Orchard and Vineyard is seeking three separate Special Event areas each of which will serve specific events.

Special Event Area 1: Located in close proximity to the main structure would be used for long table dinners which will provide catered meals.

Special Event Area 2: Located at the center of the site. This area is specifically for group activities such as yoga, fitness classes and more intimate events such as weddings, celebrations of life, theatre and musical performances.

Special Event Area 3: Located in close proximity to the main structure and will overlap the Picnic Endorsement Area, and be used for live music performances, along with lunches and dinners put on by the wine or cider maker.

The three Special Event Areas will not exceed more than 50 persons and no more than one Special Event Area will be used at a time. Each area is located either in orchard/vineyard drive aisles or in between the orchard trees. No impact to existing plantings will take place to accommodate these Special Event Areas.

Event hours will be consistent with similar special event area endorsements on agricultural land. Events can begin late morning with no event running later than 10:00pm. A Special Event may not permit, make or cause any noise within the Permit Area that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public. The City of Kelowna Good Neighbor Bylaw No. 11500, Part 7 will apply at all times.

Operating Hours:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	10:00pm	10:00pm	10:00pm	10:00pm	10:00pm	10:00pm	10:00pm



The parking area will be parallel or angled parking along existing internal dirt farm roads. The parking will allow for minimal agriculture impact as the area is already disturbed and avoids removal of existing plantings to accommodate a gravel parking lot. Due to the minimum number of persons permitted in these event areas staff believe this is the best parking option to maximize agricultural uses on site and accommodate the needs of the Special Event Areas.

Additionally, the parking area proposed will have minimal impact on neighbouring properties as headlights and dust will be buffered by site plantings around the property.

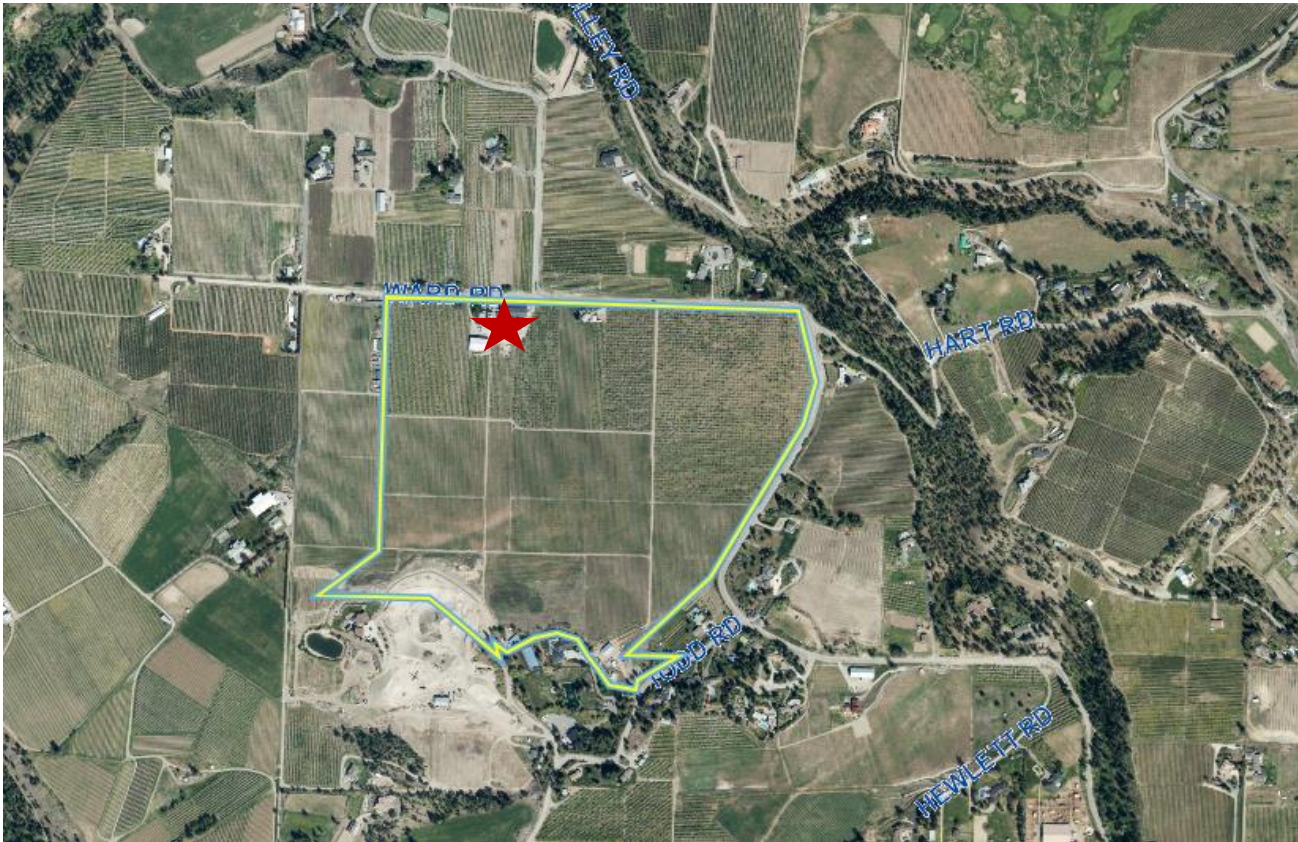
3.2 Site Context

The parcel is 35.9 ha (88.7 acres) in area and is designated R – AGR (Rural – Agriculture & Resource), and zoned A1 – Agriculture within the Agricultural Land Reserve. The surrounding properties are predominately zoned A1 and located in the ALR.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1	Fruit Production
East	A1, RR3	Fruit Production, Single Family Dwelling
South	A1	Gravel Pit
West	A1	Fruit Production

Subject Property Map: 2287 Ward Rd



4.0 Current Development Policies:

4.1 Kelowna Official Community Plan (OCP)

Objective 8.1 Protect and Preserve Agricultural Land and its capability	
Policy 8.1.5 Agri-tourism, Alcohol Production Facilities, Farm Retail Sales	Support agri-tourism uses that are directly associated with and supportive of established farm operations as a primary use. Permit alcohol production facilities and farm retail sales on ALR lands where consistent with ALC policies and regulations.
	<i>Special Event Areas allow for agri-tourism that supports the established farm operations will having minimal impact on farming operations.</i>

4.2 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 farmland, parking should be along field edges, adjacent to internal farm driveways and roads and in farmyard areas or immediately adjacent to farm buildings and structures.

5.0 Application Chronology

Date of Application Received: March 17, 2022

Report prepared by: Jason Issler, Planner I

Reviewed by: Lydia Korolchuk, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Site Plan

Attachment B: Letter of Rationale