

3.0 Community Planning

Staff supports the development permit and development variance permit as proposed. The addition conforms to the Zoning Bylaw No. 8000, Section 11 – Agriculture 1.

Agricultural Land Commission (ALC) staff have reviewed the plans for the expansion and have deemed the function of the building as consistent with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALC Regulation)¹.

Staff notes that the original project submission was overheight, but that the applicant has changed the design of the building to conform to the zoning bylaw. As such, a Development Variance Permit request for additional height is no longer required.

4.0 Proposal

4.1 Background

Okanaganvilla Estate Winery was established in 2008, with 6 acres of grapes and 2 acres of apples planted. The development of the property to date has included:

- 2009 – Building Permit issued to turn existing farm house to a wine shop;
- 2011 – Received a 'Winery Special Event Endorsement' liquor license to Council, for the Courtyard of their house for theatre events; and
- 2016 – Received a "Winery Lounge Endorsement" to be able to serve liquor as a lounge with 20% other liquor sales, in their current tasting room area (30 persons) and the existing patio (40 persons).

4.2 Project Description

The applicant is requesting an authorization from Council for a Development Permit for a Winery Lounge Expansion in the A1 – Agriculture 1 zone.

¹ Collins, M. Jan. 24, 2017. Personal Communication to W. Lewis (via email), ALC Director of Policy and Planning

Figure 1 – Rendering of Winery Expansion Proposal



Staff notes that the gable shown at the left of this rendering has been revised to a flat roof, to conform to the height requirement of the zoning bylaw, such that no face is more than 2 ½ storeys at any one location.

Figure 2 – Site Layout of Winery Expansion Proposal and Inset of Property

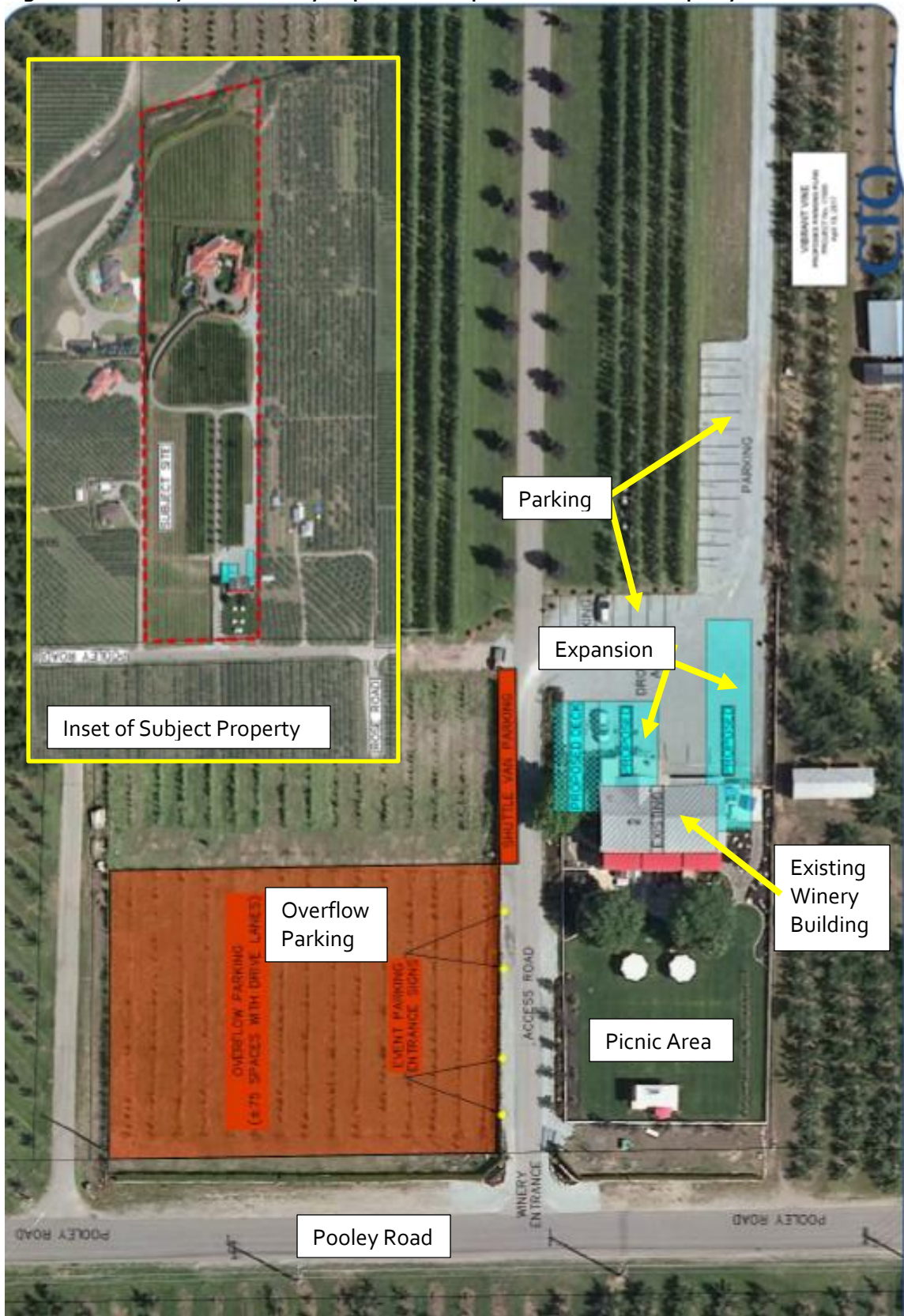


Figure 3 – Front Elevation of Winery Expansion Proposal



Figure 4 – Plan of Winery Expansion Proposal

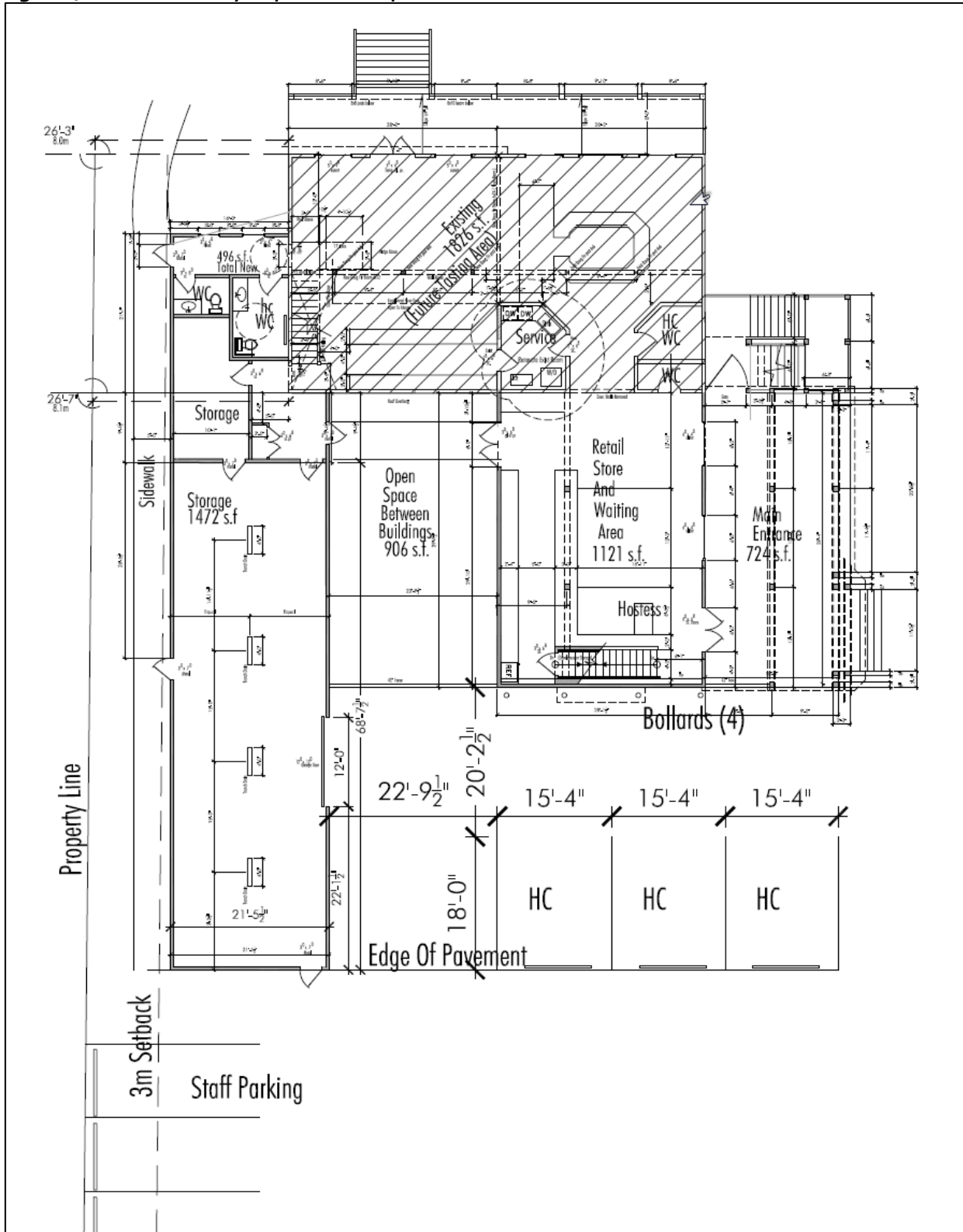


Figure 5 – Proposed Section

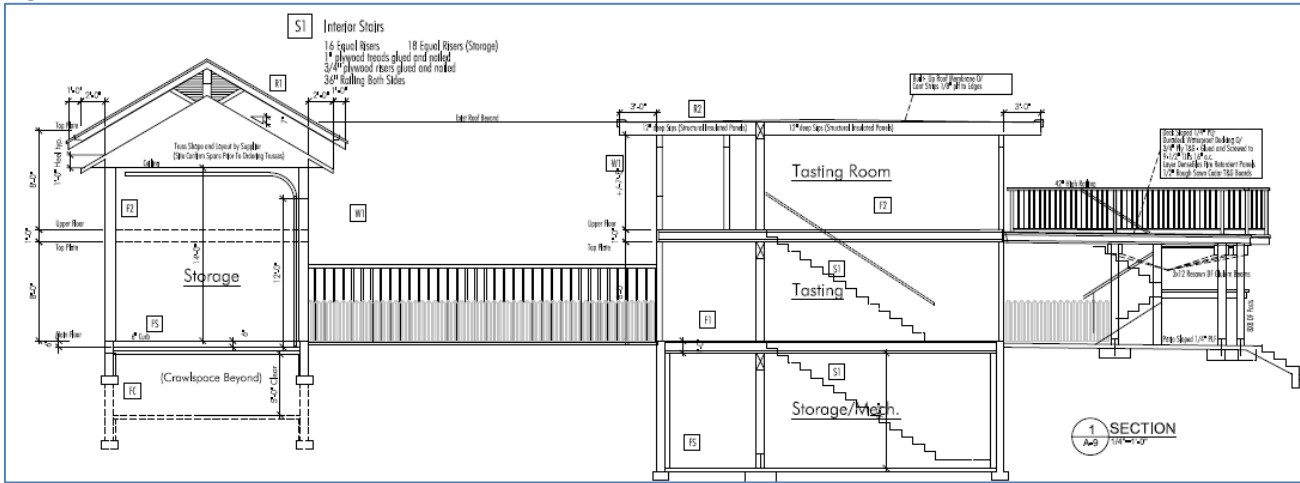
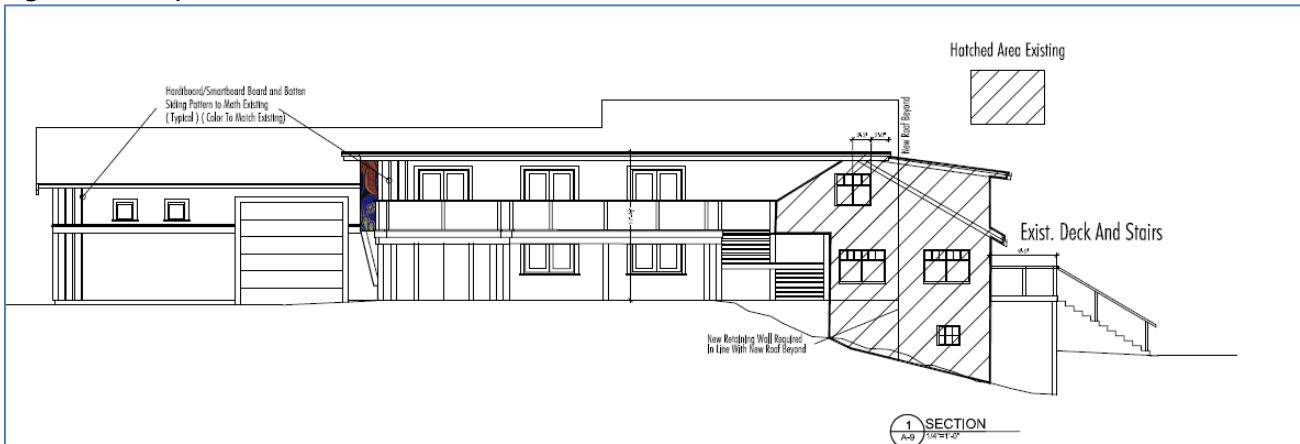


Figure 6 – Proposed West Elevation



4.3 Subject Property and Farm Operation

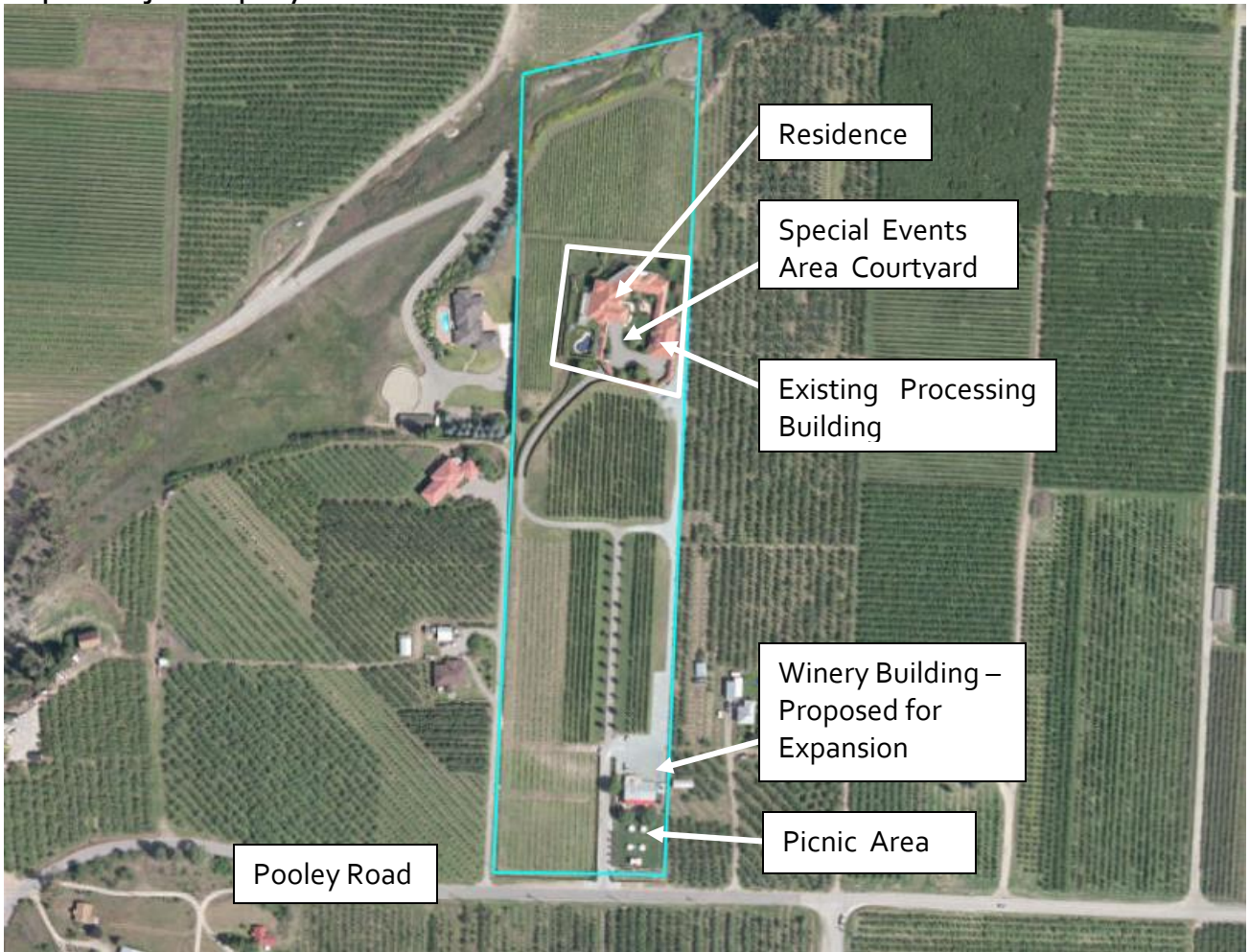
The subject property is located in the Southeast Kelowna Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 – Agriculture 1 (Maps 1 – 2, below) and is outside of the Permanent Growth Boundary.

The grades are fairly level near Pooley Road, but the property slopes steeply to the north.

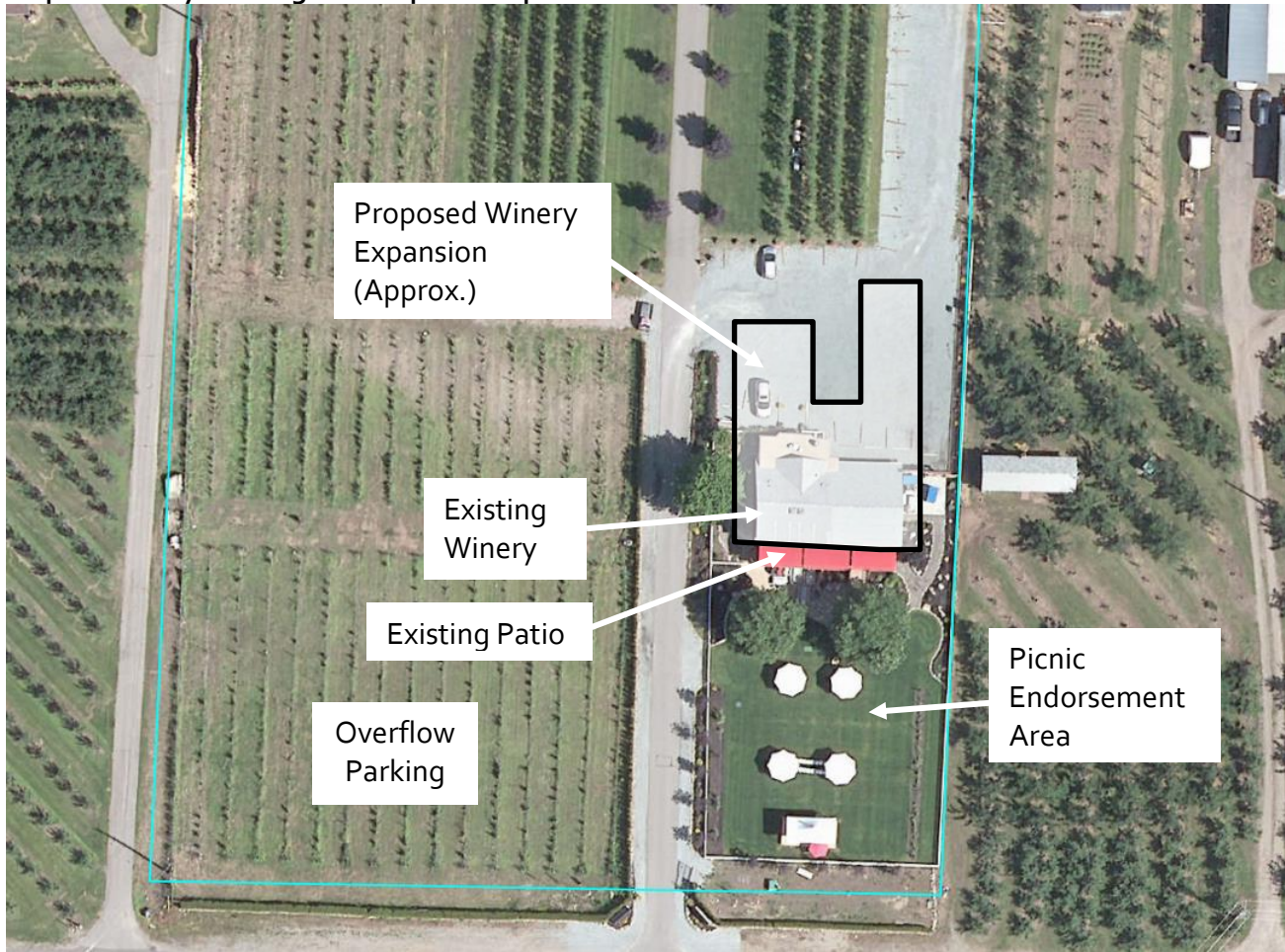
Parcel Summary – 3240 Pooley Road:

- Parcel Size: 4.6 ha (11.3 acres)
- Elevation: 445 to 472 metres above sea level (masl)

Map 1 - Subject Property



Map 2 – Winery Building and Proposed Expansion



According to correspondence with ALC staff², the farm operation receives grapes from:

- a) 6 acres 3240 Pooley Rd, East Kelowna – **Vibrant Vine Winery**
- b) 3 acres 2775 Boucherie Rd, West Kelowna – **Beaumont Winery**
- c) 9 acres 5501 Lakeshore Rd Kelowna
- d) 3 acres 3317 McCulloch Rd, East Kelowna – **Frequency Winery**

4.4 Site Context

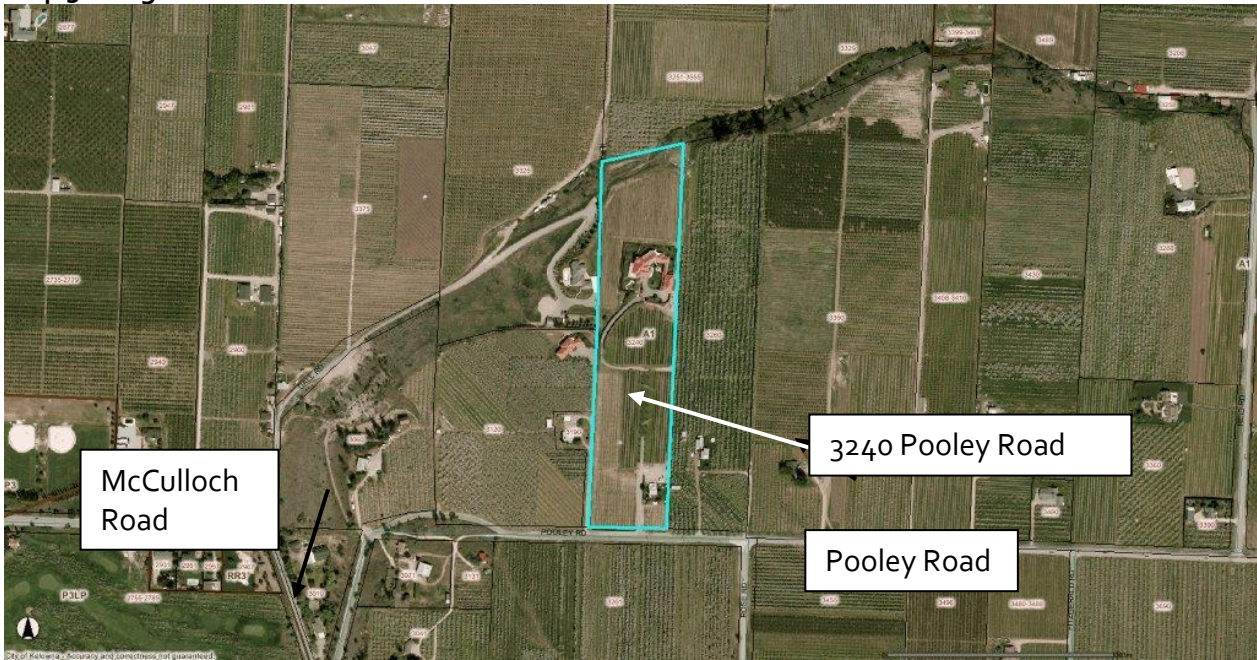
Zoning and land uses adjacent to the property are as follows:

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture / Apples & Cherries
South	A1 – Agriculture 1	Yes	Agriculture / Apples
East	A1 – Agriculture 1	Yes	Agriculture / Apples
West	A1 – Agriculture 1	Yes	Agriculture / Apples

² Collins, M. Jan. 23, 2017. Personal Communication (Email), ALC Director.

Map 3- Neighbourhood Context



Map 4 – Agricultural Land Reserve



4.5 Zoning Analysis Table

A zoning analysis of the proposed addition is included in the table below.

Zoning Analysis Table		
CRITERIA	A1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	9.5 m / 2 ½ storeys	9.5 m / 2 ½ storeys
Front Yard	6.0 m	35 m +
Side Yard (east)	3.0 m	3.15m
Side Yard (west)	3.0m	60 m +
Rear Yard	10.0 m	380 m +

5.0 Current Development Policies

5.1 Official Community Plan

Chapter 5 – Development Process

Policy .1 Protect Agricultural Land³. 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.

5.2 Technical Comments

5.3 Agricultural Land Commission

After meeting you on January 20, 2017⁴ and reviewing information submitted on January 23, 2017 this is to advise that the ALC confirms that Vibrant Vine winery is consistent with the ALC Regulation (with respect to sourcing their grapes and the scale of the cultivated area). See below.

A winery or cidery, and ancillary uses, are designated as farm uses for the purposes of the Act⁵ if

(a) at least 50% of the farm product used to make the wine or cider produced each year is grown on the farm on which the winery or cidery is located, or

(b) the farm on which the winery or cidery is located is more than 2 ha in area and at least 50% of the farm product used to make the wine or cider produced each year is grown

(i) on the farm, or

(ii) both on the farm and on another farm located in British Columbia that provides that farm product to the winery or cidery under a contract having a term of at least 3 years.

As such there is no objection to the proposed construction (as per the attached plans) as they show winery lounge areas a no greater area than 125 sq meters inside, and 125 sq meters outside (as per Section 2.4 (b) of BC Regulation #171/2002.

³ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5-35.

⁴ Collins, M. Jan. 23, 2017. Email to Wyn Lewis regarding Vibrant Vines Winery Expansion Plans

⁵ RSBC, 2002. BC Reg. 171/20002, Agricultural Land Commission Regulation, Section 2.1, includes amendments up to BC Reg. 291/2016, January 23, 2017.

5.4 Building & Permitting Department

- A Structural Engineer may be required at time of building permit application to address load paths and sizing of framing members through to the foundation.
- A full plan check for BC Building Code related issues will be done at time of Building Permit applications.

5.5 Development Engineering Department

- Domestic water and fire protection. The subject property is within the service area of the South East Kelowna Irrigation District (SEKID). Servicing including the utilization of existing services or proposed service upgrades as well as fire protection requirements will be reviewed by Building & Permitting.
- Sanitary Sewer. This subject property is currently not within the City service area. Sanitary sewage is handled by on-site wastewater disposal system(s). The existing on-site system(s) are not shown on the submitted Site Plan. The application will be reviewed by a Licenced Wastewater Practitioner and Building & Permitting.

5.6 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Fire Department access is to be met as per BCBC 3.2.5. (Please review primary entrance distances on drawing to ensure 3.2.5 is achieved and access route.)

5.7 Bylaw

- Three bylaw complaints have been issued for the property over the last five years. In 2012 there was a sign bylaw violation with three signs on City property. In 2016 there was one complaint about parking on the road. No tickets were issued. In 2016 there was a noise complaint. All bylaw files have been concluded.

5.8 Interior Health Authority

Refer to letter attached. An Onsite Wastewater Treatment Practitioner Memo has been provided to staff.

5.9 Southeast Kelowna Irrigation District

The civil consultant (CTQ) has advised that the owners have stated that there will be no wine production or kitchen facilities on site. It is understood that the principal water usage will be from washrooms and dishwashers for the wine tasting. It is estimated that the maximum daily flow requirements will be 1.9 – 3.2 lps (30 – 50 U S gpm). Based on these assumptions, the demand can be supplied by the Hydraulic Creek source and the existing distribution. Through discussions with CTQ, it has been confirmed that there is no sprinkler system or fire wall proposed. Therefore, the estimated fire flow requirement for the building is 9,000 lpm (2,378 U S gpm) for a 2.0 hour duration in accordance with the Fire Underwriters Survey Guidelines. Two hydrants will be necessary to disperse this flow as design standards limit a single hydrant to 95 lps (1500 U S gpm). The water supply review for the 2014 expansion erroneously stated that the hydrants must be within 300 m of the building. This distance is a standard that is used for rural residential properties requiring less volume, and not commercial operations. The City of Kelowna standard distance for commercial buildings is 90 m. There are currently no hydrants within 90 m of the southern building. Two new hydrants will be required and can be located on Pooley Road. With these two hydrants, the water system will be capable of supplying the required fire flow for the southern building.

6.o Application Chronology

Date of Application Received: February 22, 2017
Agricultural Advisory Committee: March 9, 2017

Moved by Ed Schiller/Seconded by Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support Development Permit Application No. DP17-0046 for the property located at 3240 Pooley Road, Kelowna, BC for a winery lounge expansion in the Agricultural Land Reserve.

Defeated

Tarsem Goraya, Domenic Rampone & Jeff Ricketts - Opposed

Moved by Domenic Rampone/Seconded by Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council support Development Variance Permit Application No. DVP17-0055 for the property located at 3240 Pooley Road, Kelowna, BC, to vary the height of the proposed winery from 2 1/2 stories permitted to 3 stories proposed.

Defeated

Tarsem Goraya & Jeff Ricketts – Opposed

ANECDOTAL COMMENTS:

The Agricultural Advisory Committee expressed concerns with the size of the area already taken up by existing structures on the subject property. The Committee expressed a concern with the footprint of the building taking up too much viable agricultural land and feels that the proposal does not provide a benefit to agriculture. The Committee also expressed a concern with parking issues in the area as a result of the size of the events taking place on the site.

Date Agency Comments Received: April 5, 2017
Date Public Consultation Completed: May 15, 2017
Revised Plans Received: July 5, 2017

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:

Todd Cashin, Suburban and Rural Planning Manager

**Reviewed by
Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

Approved for Inclusion:

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Draft DP17-0046

Attachment 'A' Development Engineering Memo

SEKID Memo

Interior Health Memo