

Agricultural Advisory Committee

AGENDA



Thursday, March 9, 2017
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE MEETING TO ORDER:

- (a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.
- (b) The Reports to Committee concerning the subject development applications are available on the City's website at www.kelowna.ca.
- (c) All representations to the Agricultural Advisory Committee form part of the public record.
- (d) As an Advisory Committee of Council, the Agricultural Advisory Committee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.

2. Applications for Consideration

2.1 4760 Lakeshore Road, DP17-0043 & DVP17-0044 - Ca'Solare Developments Inc.

3 - 21

The applicant is proposing the construction of a 42-unit, 4-storey apartment building. A development permit application has been submitted as well as a development variance permit to increase the number of storeys from 3 storeys to 4 storeys and the height from 10 m to 17.2 m. The property is located in an agricultural interface area. Community Planning Staff would like the Agricultural Advisory Committee to comment on the proposed agricultural buffer located along the northern parcel boundary.

2.2 2446 Harvard Road, Z17-0011 & DVP17-0027 - Wayne & Denise Henney

22 - 34

The applicant is proposing to rezone the subject property from the A1 - Agriculture zone to the A1c - Agriculture with Carriage House zone in order to convert an existing accessory building to a Carriage House. The applicant is also requesting three (3) variances for maximum overall footprint, maximum height relative to the primary

2.3	3240 Pooley Road, DP17-0046 - Wyn & Marion Lewis	35 - 60
	The applicant is requesting authorization from Council for a Development Permit for a Winery Lounge Expansion in the Agricultural Land Reserve ALR and a Development Variance Permit to vary Bylaw 8000 A1 – Agriculture 1 zone for the height of the proposed winery from 2 ½ stories permitted to 3 stories proposed.	
2.4	3240 Pooley Road, A17-0001 - Wyn & Marion Lewis	61 - 83
	To obtain approval from the Agricultural Land Commission (ALC) under Section 20(3) of the Agricultural Land Commission Act for a “non-farm use” within the Agricultural Land Reserve (ALR) to hold commercial gatherings such as music events, in excess of those permitted for wineries by the ALR Regulation.	
2.5	5555 Lakeshore Road, Z17-0010 - Carmen Langstaff & Dana Johnson	84 - 112
	The applicant is requesting permission from Council to rezone the subject property from A1 – Agriculture 1 to RR1C, to facilitate a two lot subdivision to create two rural residential lots, both with carriage houses.	
Minutes		113 - 119
Approve Minutes of the Meeting of February 9, 2017.		
Next Meeting		
March 13, 2017		
Termination of Meeting		

COMMITTEE REPORT



Date: March 9, 2017

RIM No. 0940-00

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (EW)

Application: DVP17-0044 DP17-0043 **Owner:** Ca'Solare Developments Inc.

Address: 4760 Lakeshore Rd **Applicant:** New Town Services

Subject: Proposed multi-family housing project adjacent to farmland.

1.0 Purpose

The applicant is proposing the construction of a 42-unit, 4-storey apartment building. A development permit application has been submitted as well as a development variance permit to increase the number of storeys from 3 storeys to 4 storeys and the height from 10 m to 17.2 m. The property is located in an agricultural interface area.

Community Planning Staff would like the AAC to comment on the proposed agricultural buffer located along the northern parcel boundary.

2.0 Proposal

2.1 Background

An Official Community Plan (OCP) amendment and rezoning for the subject property was approved by Council in 2006. The OCP amendment changed the future land use designation from agricultural/rural to low density multiple housing and the zoning amendment changed the zone from A1 – Agriculture 1 to RM3 – Low Density Multiple Housing. As a requirement of the rezoning, a restrictive covenant pertaining to the rural/urban interface awareness was registered on title.

2.2 Site Context

Parcel Summary – 4760 Lakeshore Road:

Parcel Size: 0.69 ha (1.71 acres)
Elevation: 381 to 389 metres above sea level (approx.)

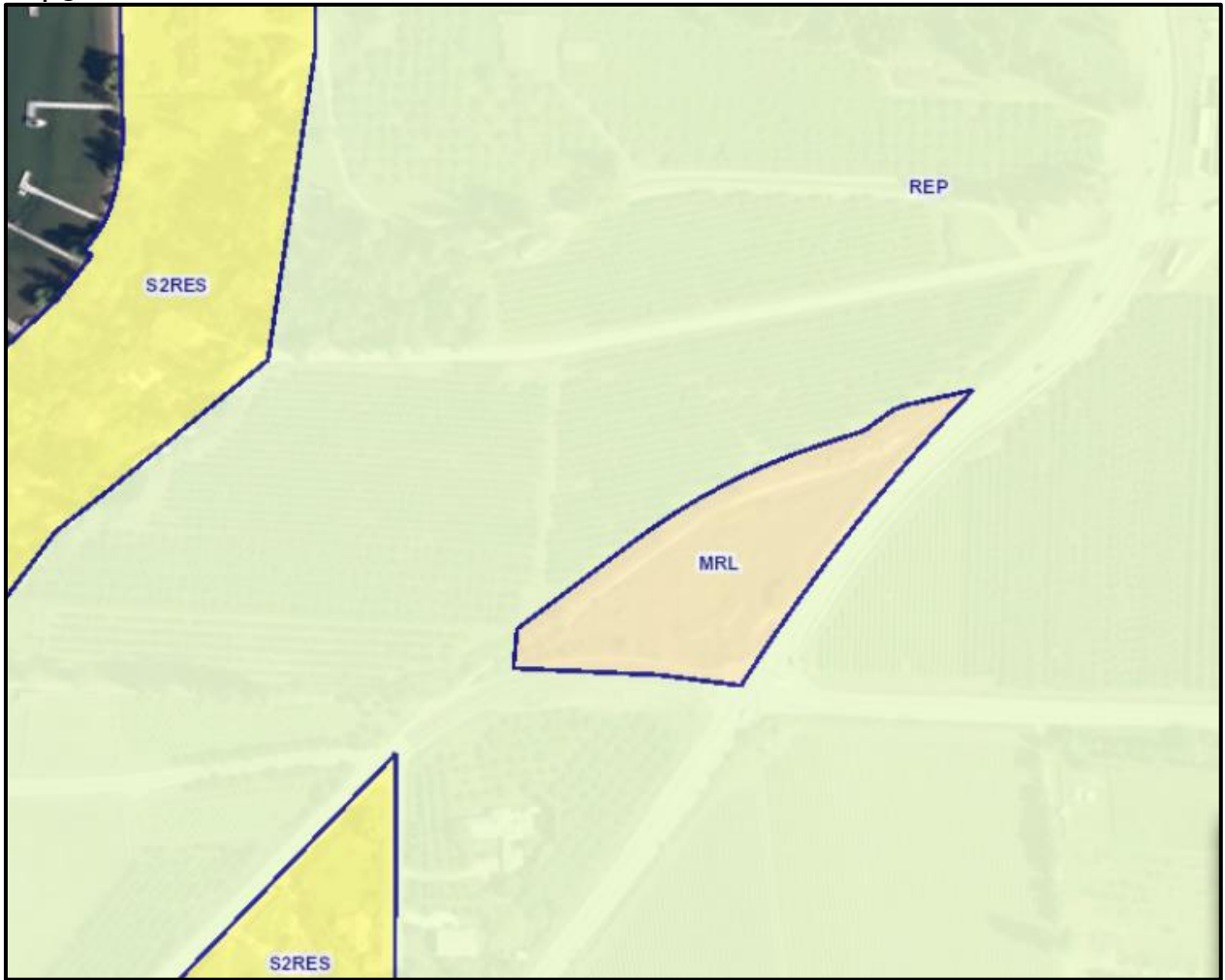
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.3 Neighbourhood Context

The subject property lies within the North Okanagan Mission city sector outside the Permanent Growth Boundary. The surrounding neighbourhood is predominately agricultural with neighbouring properties on three sides within the ALR. 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
South	A1 – Agriculture 1 RR2 – Rural Residential 2	Yes/ No	Agriculture Residential/Agriculture
East	A1 – Agriculture 1	Yes	Agriculture
West	A1 – Agriculture 1	Yes	Agriculture

3.0 Community Planning

Community Planning Staff are looking for comments from the AAC regarding the proposed agricultural buffers on the subject property. A 15 m buffer is proposed along the northern parcel boundary abutting a cherry orchard. Along the 242 m length the proposed ALR buffer consists of:

- 22 amur maple trees
- 22 austrian pine trees
- 75 royal burgandy barberry
- 80 red osier dogwood
- 63 apline currant
- 130 morden sunrise rose
- 126 creeping willow

The southwest corner of the buffer does not contain trees and is interrupted by the paved access to the underground parking structure, garbage and recycling, and utility line running along the northern portion of the property. The paved access and turning radius are requirements of the City.

Report prepared by: Emily Williamson, Planner

Approved for Inclusion: Todd Cashin, Community Planning Department Manager

Attachment:

'Attachment A' – ALC 15.0 m Landscape Buffer Specifications

'Attachment B' – Building Plans and Landscape Plans

ATTACHMENT A



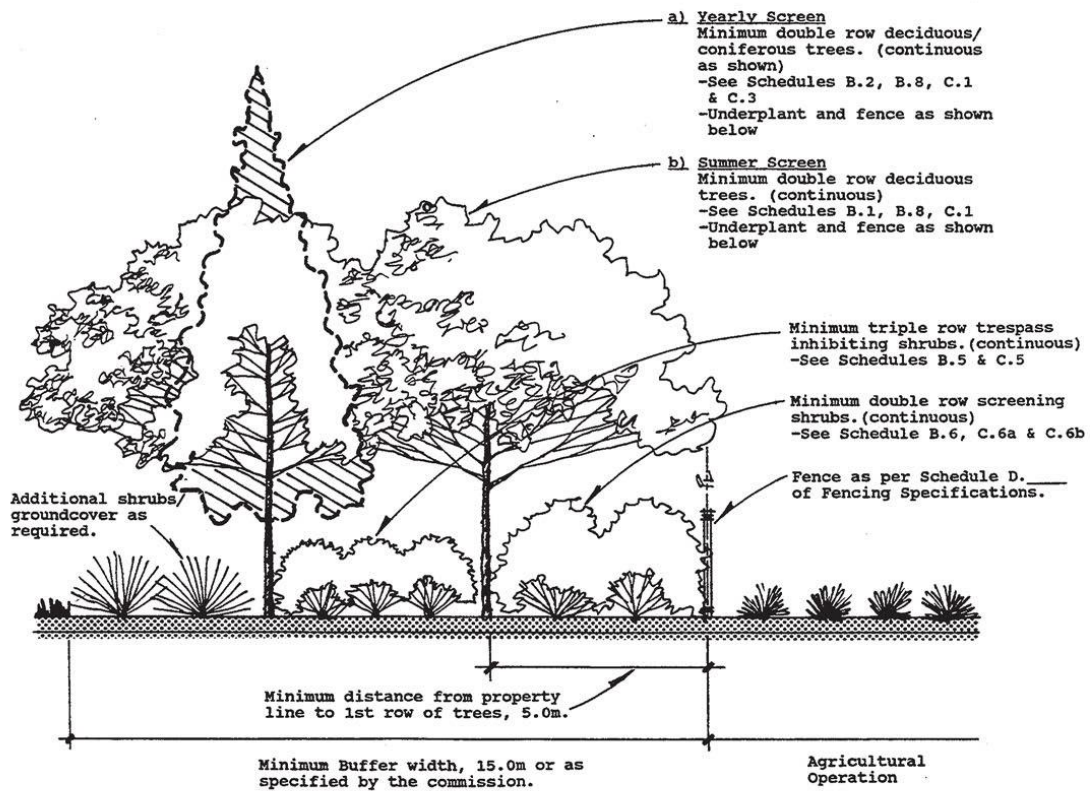
Subject: 4760 Lakeshore Road

3.1 Agricultural Land Commission – 15.0 m Landscape Buffer Specifications (1993)

SCHEDULE A: BUFFER TYPES**A.3: Airborne Particle and Visual Screen**

- a) Yearly Screen
- b) Summer Screen

Buffers agricultural operations from trespass and vandalism while offering a greater physical setback between potential conflicting land uses, visually screening uses from one another and minimizing the exchange of undesirable airborne particulate matter between incompatible land uses. (Note: Coniferous trees should be used in the buffer in situations where visual and particulate screening is required on a year round basis. Solution A.3a)



Not to Scale

A.3

LAKESHORE MULTI FAMILY 4760 LAKESHORE ROAD KELOWNA, B.C.



ARCHITECTURAL:

NEWTOWN ARCHITECTURE & ENGINEERING
Contact: Roman Yanchukov
Roman@newtownservices.net
1464 ST. PAUL STREET KELOWNA, B.C. V1Y 2E6
PH. 250 860 8185

- A0.0 COVER SHEET & DRAWING LIST
- A1.0 SITE PLAN
- A2.2 PARKADE PLAN - OVERALL
- A2.3 LEVEL 1 PLAN - OVERALL
- A2.4 LEVEL 2 PLAN - OVERALL
- A2.5 LEVEL 3 PLAN - OVERALL
- A2.6 ROOF PLAN - OVERALL
- A4.1 BUILDING ELEVATIONS
- A4.2 BUILDING IMAGES
- A5.1 BUILDING SECTIONS

BUILDING/SITE SUMMARY

PROPERTY #1
CIVIC ADDRESS: 4760 LAKESHORE ROAD, KELOWNA BC
LEGAL DESCRIPTION: LOT 1, SECTION 25, TOWNSHIP 28, SOYD PLAN KAP86852, PID 027-712-281

SITE AREA: 74,493.0 SF (6920.63 SM)
PROPOSED NET FLOOR AREA: 59566 SF (5533.86 SM)
PARKADE AREA: 21459.99 SF (1993.7 SM)
FLOOR AREA RATIO (FAR): 59566 / 74,493.0 = 0.8

PRIVATE OPEN SPACE SUMMARY:

BACHELOR (7.5 m² EACH): 1 UNITS = 7.5 m²
1 BEDROOM (15 m² EACH): 15 UNITS = 225.0 m²
>1 BEDROOM (25 m² EACH): 26 UNITS = 650.0 m²
TOTAL REQUIRED: = 882.5 m²

PRIVATE OPEN SPACE PROPOSED: = 18856.6 SF (1751.84 m²)

PARKING:

REQUIRED:
1.0 STALLS PER BACHELOR UNIT: 1 STALLS
1.25 STALLS PER 1 BEDROOM UNIT: 18.75 STALLS
1.5 STALLS PER 2 BEDROOM UNIT: 24 STALLS
2 STALLS PER 3 BEDROOM UNIT: 20 STALLS
TOTAL REQUIRED PARKING: 64 STALLS

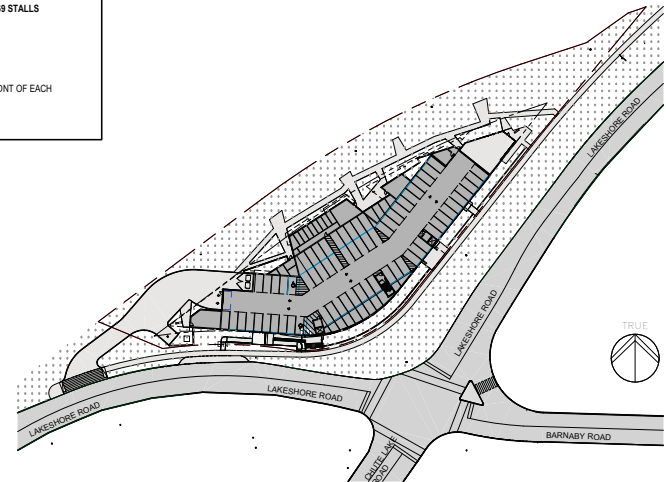
PROVIDED: 69 STALLS

BICYCLE PARKING:

APARTMENT REQUIRED: **PROVIDED:**
CLASS I - 0.5 PER DWELLING UNIT: 21 CLASS I: 55 (WALL-MOUNTED RACK IN FRONT OF EACH PARKING STALL)
CLASS II - 0.1 PER DWELLING UNIT: 5 CLASS II: 5 (BIKE RACK OUTSIDE)

ZONING BYLAW SUMMARY

	REQUIRED	PROPOSED
ZONE:	RM3	RM3
PERMITTED USE:	MULTI FAMILY	MULTI FAMILY
MAXIMUM FLOOR AREA RATIO:	0.8	0.8
MAXIMUM SITE COVERAGE:	50 %	43 %
MAXIMUM SITE COVERAGE INCL. LANDSCAPING:	60 %	53 %
MAXIMUM HEIGHT:	10 m OR 3 STOREYS	17.2 m OR 4 STOREYS
MINIMUM FRONT SETBACK:	1.5 m	4.5 m
MINIMUM REAR SETBACK:	15 m	15.0 m



KEYPLAN

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.
This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.
This drawing must not be scaled.
Verify all dimensions and details prior to commencement of work.
Report all errors and omissions to the Architect.



NEW TOWN
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca

SEA

Revisions

No	Date	Description
1	FEB 16, 2017	ISSUED FOR DP

project

**LAKESHORE
MULTI-FAMILY**

project address

**4760 LAKESHORE ROAD
KELOWNA BC**

project no. 4025

file

**COVER SHEET &
DRAWING LIST**

designed: ☐ notes: ☐ as indicated

drawn: ☐ title: ☐

checked: ☐ R.T.

drawing no. **A0.0**

print: FEB 14, 2016 2/16/2017 3:14:44 PM

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.

This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.

This drawing must not be scaled. Verify all dimensions and details prior to commencement of work. Report all errors and omissions to the Architect.



NEW TOWN
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca



SEA

Revisions		
No	Date	Description
1	FEB 16, 2017	ISSUED FOR DP

project
**LAKESHORE
MULTI-FAMILY**

project address
**4760 LAKESHORE ROAD
KELOWNA BC**

project no. 4005

file

drawing title
**PARKADE PLAN -
OVERALL**

designed: [blank] scale: 1/16" = 1'-0"

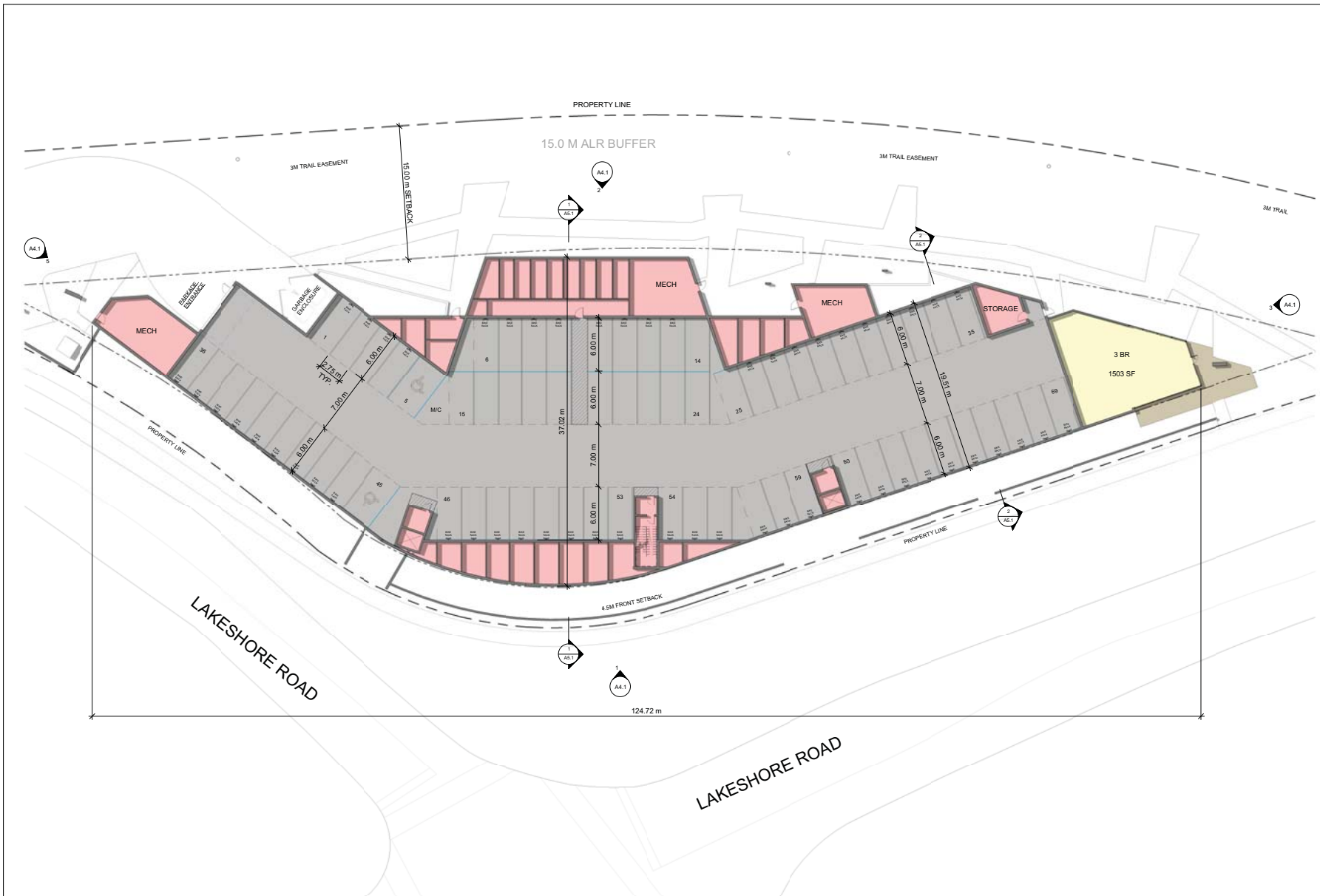
drawn: MJD

checked: R.Y.

drawing no.

A2.2

print: FEB 14, 2016 2/16/2017 3:15:03 PM



1 PARKADE PLAN - OVERALL
A4.1 1/16" = 1'-0"

NET FLOOR AREA: 1547.36 SF
PRIVATE OPEN SPACE: 463.5 SF

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.

This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.

This drawing must not be scaled.

Verify all dimensions and details prior to commencement of work.

Report all errors and omissions to the Architect.



NEW TOWN
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca



SEA

Revisions		
No	Date	Description
1	FEB 16, 2017	ISSUED FOR DP

project
**LAKESHORE
MULTI-FAMILY**

project address
**4760 LAKESHORE ROAD
KELOWNA BC**

project no. 4005

file

drawing title
**LEVEL 1 PLAN -
OVERALL**

designed: [] scale: 1/8" = 1'-0"

drawn: []

checked: []

drawing no. []

A2.3

print: FEB 14, 2016 2/16/2017 3:15:08 PM



NET FLOOR AREA: 21684.45 SF
GROSS AREA: 25426.72 SF
PRIVATE OPEN SPACE: 5338.51 SF



NET FLOOR AREA: 18930.42 SF
 GROSS AREA: 23000.65
 PRIVATE OPEN SPACE: 5969.47 SF

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.
 This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.
 This drawing must not be scaled.
 Verify all dimensions and details prior to commencement of work.
 Report all errors and omissions to the Architect.

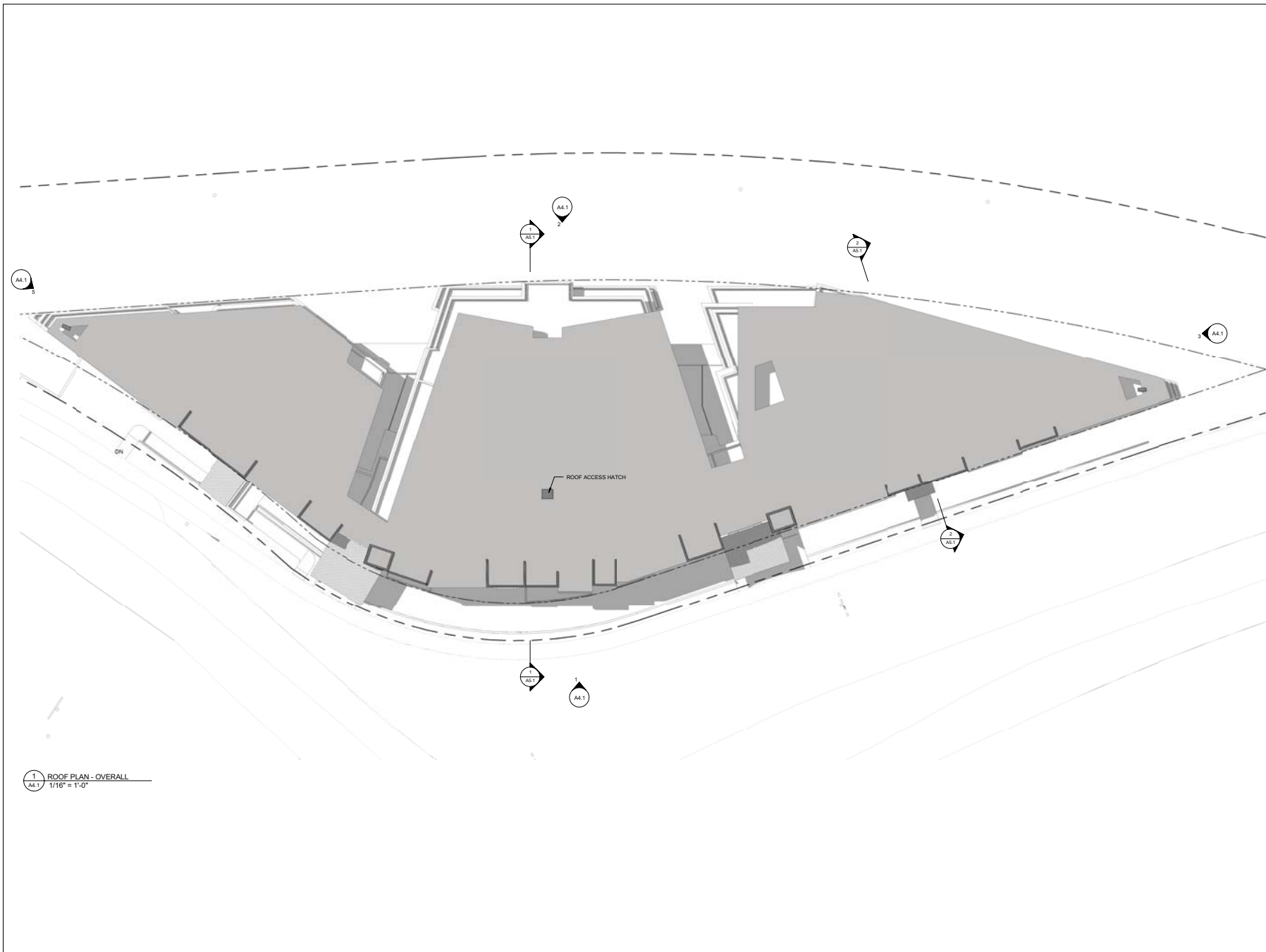


Revisions		
No	Date	Description
1	FEB 16, 2017	ISSUED FOR DP

project
LAKESHORE MULTI-FAMILY
 project address
4760 LAKESHORE ROAD KELOWNA BC
 project no. 4005
 title
LEVEL 2 PLAN - OVERALL

designed: [signature] scale: 1/8" = 1'-0"
 drawn: J.M.J.
 checked: R.Y.
 drawing no.

A2.4
 plots: FEB 14, 2016 2/16/2017 3:15:12 PM



1 ROOF PLAN - OVERALL
A4.1 1/16" = 1'-0"

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.

This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.

This drawing must not be scaled.

Verify all dimensions and details prior to commencement of work.

Report all errors and omissions to the Architect.



NEW TOWN
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca



SEA

Revisions

No	Date	Description
1	FEB 16, 2017	ISSUED FOR DP

project

**LAKE SHORE
MULTI-FAMILY**

project address

**4760 LAKE SHORE ROAD
KELOWNA BC**

project no.

4025

file

drawing title

**ROOF PLAN -
OVERALL**

designed

drawn

J.M.J.

checked

R.Y.

drawing no.

A2.6

print FEB 14, 2016 2/16/2017 3:15:25 PM

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.

This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.

This drawing must not be scaled.

Verify all dimensions and details prior to commencement of work.

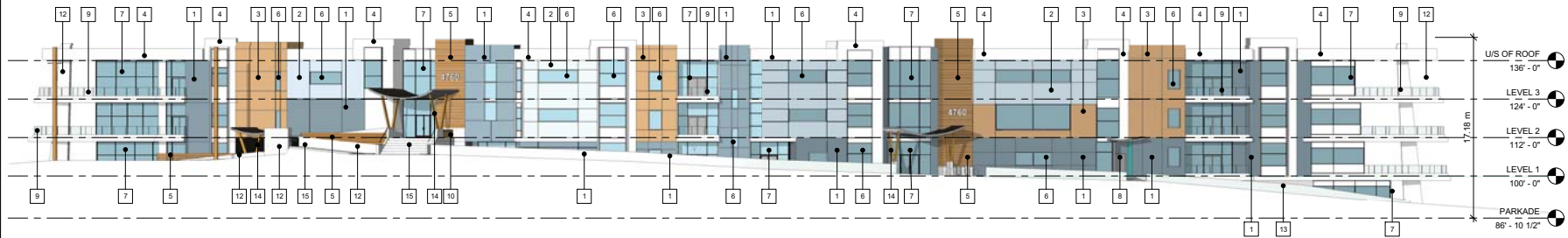
Report all errors and omissions to the Architect.



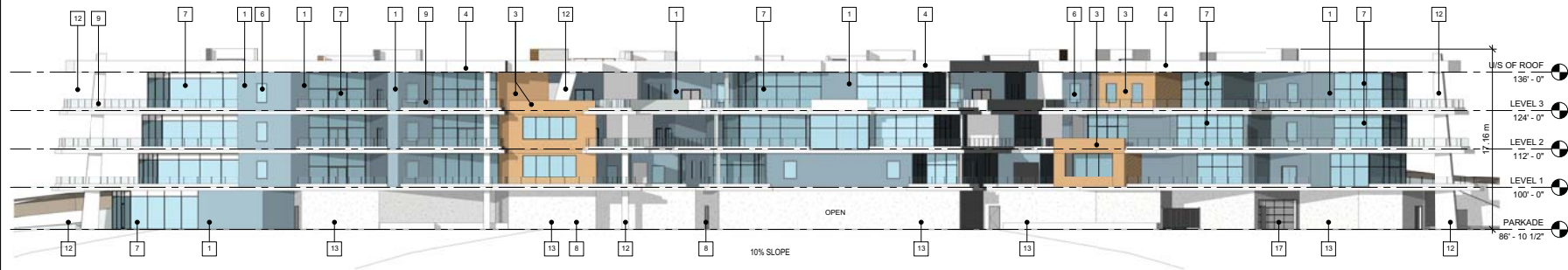
NEW TOWN
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca

SEA

Revisions		
No	Date	Description
1	FEB 16, 2017	ISSUED FOR DP



1 FRONT ELEVATION
A2.2 1/16" = 1'-0"



2 BACK ELEVATION
A2.2 1/16" = 1'-0"



5 LEFT ELEVATION
A2.2 1/16" = 1'-0"



3 RIGHT ELEVATION
A2.2 1/16" = 1'-0"

EXTERIOR MATERIAL LEGEND

- FIBER CEMENT BOARD - DARK BLUE-GREY
- FIBER CEMENT BOARD - LIGHT BLUE-GREY
- FIBER CEMENT BOARD - WOOD GRAIN FINISH
- CEMENT FIBER BOARD - SOLID WHITE
- IMITATED WOOD SLAT/PANELS
- ALUMINUM WINDOWS - STYLE / MANUFACTURER TBD
- ALUMINUM STOREFRONT - GLAZED WALL AND DOORS
- PAINTED METAL DOORS
- GLASS GUARDRAILS
- WOOD GUARDRAILS
- PREFINISHED METAL FLASHINGS
- EXPOSED ARCHITECTURAL CONCRETE
- CONCRETE WALL - PARGED
- FINISHED WOOD
- CONCRETE STAIRS / RAMPS
- WOOD SCREENING
- OVERHEAD INSULATED GARAGE DOOR

EXTERIOR MATERIAL LEGEND

- FIBER CEMENT BOARD - DARK BLUE-GREY
COLOUR: TBD
- FIBER CEMENT BOARD - LIGHT BLUE-GREY
COLOUR: TBD
- FIBER CEMENT BOARD - WOOD GRAIN FINISH
COLOUR: TBD
- FIBER CEMENT BOARD - SOLID WHITE
COLOUR: TBD
- IMITATED WOOD - SLATS
COLOUR: TBD
- EXPOSED ARCHITECTURAL CONCRETE
COLOUR: TBD
- PREFINISHED METAL FLASHING - WHITE
COLOUR: TO MATCH WHITE FIBER CEMENT BOARD
- PREFINISHED METAL FLASHING - MEDIUM GREY
COLOUR: TO MATCH CONCRETE

project
LAKESHORE MULTI-FAMILY

project address
**4760 LAKESHORE ROAD
KELOWNA BC**

project no. 4025

drawing title
BUILDING ELEVATIONS

designed by [signature] notes: As indicated

drawn by [signature]

checked by [signature] R.T.

drawing no.

A4.1

print: FEB 14, 2016 2/16/2017 3:15:37 PM



ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.

This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.

This drawing must not be scaled.

Verify all dimensions and details prior to commencement of work.

Report all errors and omissions to the Architect.



NEW TOWN
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca

SEA

Revisions

No	Date	Description
1	FEB 16, 2017	ISSUED FOR DP

project
**LAKESHORE
MULTI-FAMILY**

project address
**4760 LAKESHORE ROAD
KELOWNA BC**

project no. 4025

file
BUILDING IMAGES

designed: [blank] notes: [blank]

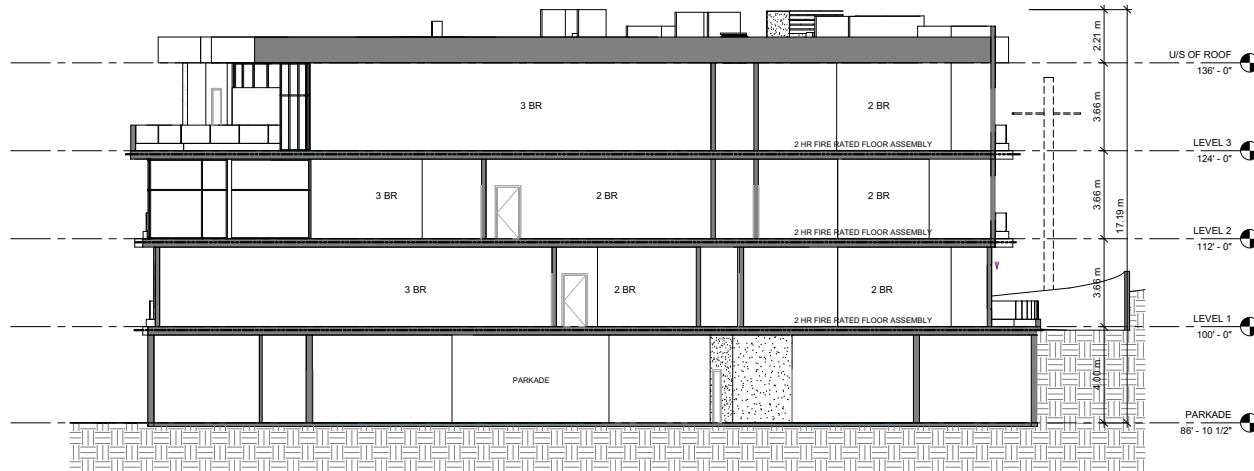
drawn: N/A

checked: R.Y.

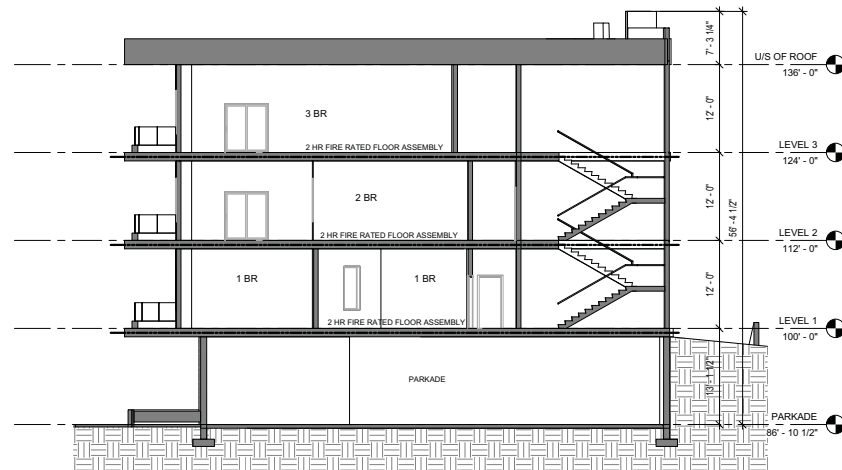
drawing no. [blank]

A4.2

print: FEB 14, 2016 2/16/2017 3:15:37 PM



1 BUILDING SECTION
A2.2 1/8" = 1'-0"



2 BUILDING SECTION 2
A2.2 1/8" = 1'-0"

FIRE SEPARATION LEGEND

----- 1 HR FRR
----- 2 HRS FRR

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA. This drawing is an instrument of service and the property of New Town Services. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use. This drawing must not be scaled. Verify all dimensions and details prior to commencement of work. Report all errors and omissions to the Architect.



NEW TOWN
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca

SEA

Revisions

No	Date	Description
1	FEB 16, 2017	ISSUED FOR DP

project

**LAKESHORE
MULTI-FAMILY**

project address

**4760 LAKESHORE ROAD
KELOWNA BC**

project no.

4025

file

BUILDING SECTIONS

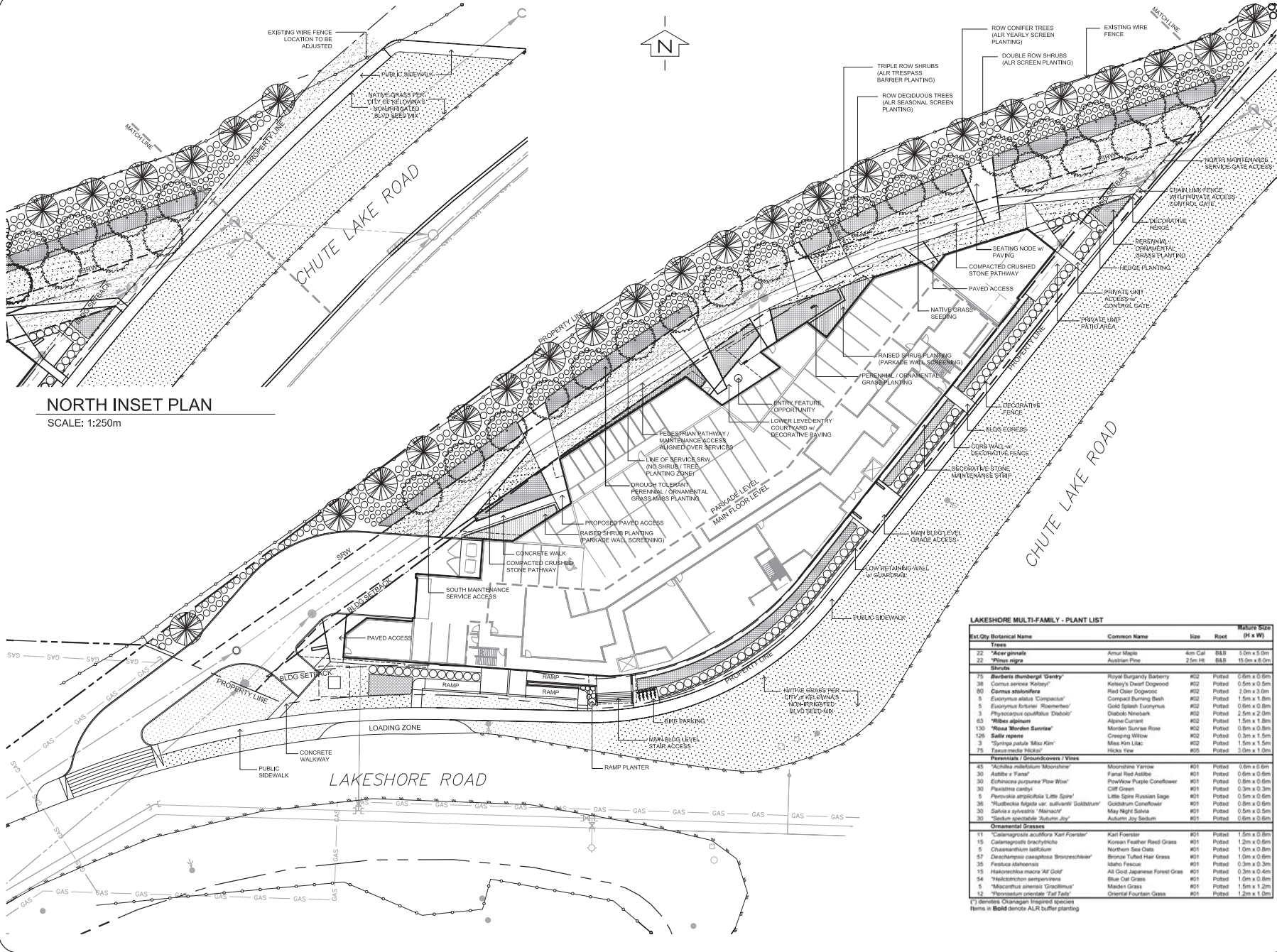
designed by

drawn

checked

A5.1

print FEB 14, 2016 2/16/2017 3:15:38 PM



NORTH INSET PLAN
SCALE: 1:250m

LAKESHORE MULTI-FAMILY - PLANT LIST

Bot. Qty	Botanical Name	Common Name	Size	Root	Mature Size (H x W)
Trees					
22	<i>Amelanchier</i>	Amel Maple	4m Cal	B&B	1.0m x 0.5m
22	<i>Pinus nigra</i>	Austrian Pine	2.5m Cal	B&B	15.0m x 0.5m
Shrubs					
75	<i>Berberis thunbergii</i>	Royal Burgundy Barberry	#02	Potted	0.5m x 0.5m
38	<i>Cornus sericea</i>	Kalm's Dwarf Dogwood	#02	Potted	0.5m x 0.5m
80	<i>Cornus stolonifera</i>	Red Cedar Dogwood	#02	Potted	2.0m x 0.5m
5	<i>Eucalyptus nitens</i>	Compact Burning Bush	#02	Potted	1.5m x 1.5m
5	<i>Eucalyptus nitens</i>	Gold Spire Eucalyptus	#02	Potted	0.5m x 0.5m
3	<i>Physocarpus opulifolius</i>	Diablo Ninebark	#02	Potted	2.5m x 2.0m
43	<i>Yucca alopecuroides</i>	Alpine Yucca	#02	Potted	1.5m x 1.5m
130	<i>Rosa 'Morden Sunrise'</i>	Morden Sunrise Rose	#02	Potted	0.5m x 0.5m
126	<i>Salix repens</i>	Creeping Willow	#02	Potted	0.3m x 1.5m
3	<i>Spiraea japonica</i>	Maxima Spiraea	#02	Potted	1.5m x 0.5m
75	<i>Taxus media</i>	Hicks Tree	#05	Potted	3.0m x 0.5m
Perennials / Groundcovers / Vines					
45	<i>Asclepias tuberosa</i>	Monarch's Milkweed	#01	Potted	0.5m x 0.5m
30	<i>Asclepias tuberosa</i>	Farol Red Asclepias	#01	Potted	0.5m x 0.5m
30	<i>Echinacea purpurea</i>	Purview Purple Coneflower	#01	Potted	0.5m x 0.5m
30	<i>Penstemon digitalis</i>	Cliff Crest	#01	Potted	0.3m x 0.3m
5	<i>Penstemon digitalis</i>	Little Spire Russian Sage	#01	Potted	0.5m x 0.5m
30	<i>Rudbeckia hirta</i>	Goldstrum Coneflower	#01	Potted	0.5m x 0.5m
30	<i>Sedum spectabile</i>	May Night Sedum	#01	Potted	1.5m x 0.5m
30	<i>Sedum spectabile</i>	Autumn Joy Sedum	#01	Potted	0.5m x 0.5m
Ornamental Grasses					
11	<i>Calamagrostis canadensis</i>	Karl Foerster	#01	Potted	1.5m x 0.5m
11	<i>Calamagrostis canadensis</i>	Korean Feather Reed Grass	#01	Potted	1.2m x 0.5m
5	<i>Chloranthus nitidus</i>	Northern Sea Oats	#01	Potted	1.0m x 0.5m
57	<i>Deschampsia cespitosa</i>	Bronze Tuffet Hair Grass	#01	Potted	1.0m x 0.5m
35	<i>Festuca idahoensis</i>	Idaho Fescue	#01	Potted	0.3m x 0.3m
15	<i>Habenaria macrochaeta</i>	All Gold Japanese Forest Grass	#01	Potted	0.3m x 0.4m
54	<i>Helictotrichon sempervirens</i>	Blue Cat Grass	#01	Potted	1.0m x 0.5m
5	<i>Malacotheca sinensis</i>	Maiden Grass	#01	Potted	1.5m x 1.2m
12	<i>Phlox paniculata</i>	Red Phlox	#01	Potted	1.2m x 0.5m

(1) denotes Challenging to grow species
Items in Bold denote ALR buffer planting

- NOTES**
1. PLANT MATERIAL AND CONSTRUCTION SHALL MEET OR EXCEED B.C.L.N.A. STANDARDS.
 2. ALL PERENNIAL AND SHRUB PLANTING AREAS TO HAVE A MIN. 0.45m GROWING MEDIUM DEPTH.
 3. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A TIED AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
 4. PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANT SELECTIONS MAY VARY DEPENDING ON AVAILABILITY.
 5. ALL PLANTING BEDS SHALL HAVE A MINIMUM 50mm DEPTH OF APPROVED MULCH.
 6. THIS DRAWING DEPICTS FORM AND CHARACTER AND IS TO BE USED FOR DEVELOPMENT PERMIT SUBMISSION ONLY. DRAWING IS NOT INTENDED FOR USE IN CONSTRUCTION.

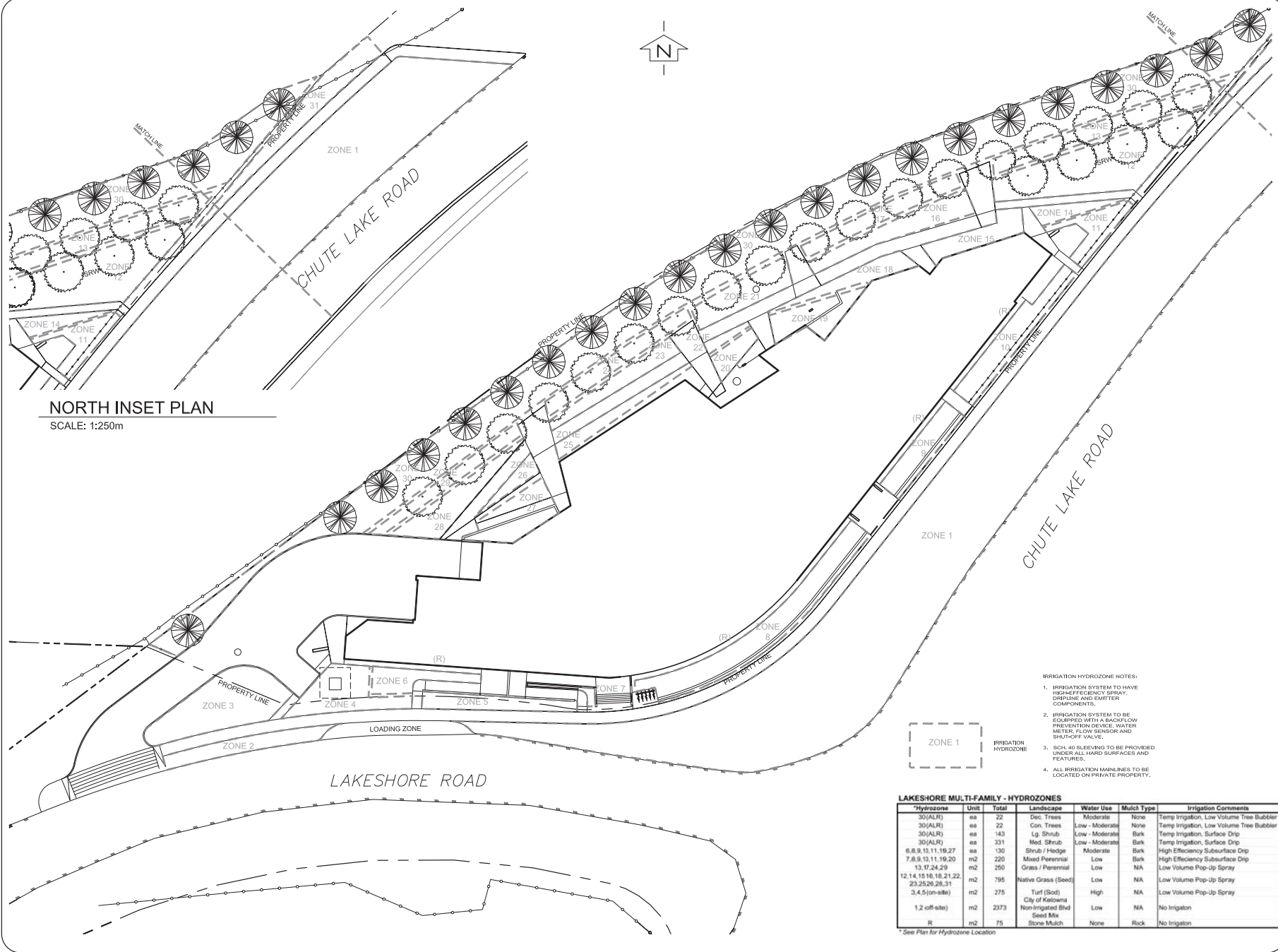
NO.	DATE	DESCRIPTION
1	17/02/18	ISSUED FOR DP
2	17/02/18	FOR CLIENT REVIEW
REVISIONS / ISSUED		



PROJECT: **LAKESHORE MULTI-FAMILY DEVELOPMENT**
PROJECT ADDRESS: **KELOWNA, B.C.**

DESIGNED BY: DAVID JAMES	DATE: 1/250
CHECKED BY: DAVID JAMES	
PROJECT NO: 104-10	

SHEET TITLE: **LANDSCAPE DP PLAN**
SHEET NO: **LDP-1**



NOTES

1	17/02/16	ISSUED FOR OP
2	17/02/14	FOR CLIENT REVIEW
N/L	Y/M/D	DESCRIPTION
REVISIONS / ISSUED		

1	17/02/16	ISSUED FOR OP
2	17/02/14	FOR CLIENT REVIEW
N/L	Y/M/D	DESCRIPTION
REVISIONS / ISSUED		

CLIENT



PROJECT:
LAKESHORE
MULTI-FAMILY DEVELOPMENT
PROJECT ADDRESS
KELOWNA, B.C.



SHEET TITLE: **IRRIGATION HYDROZONE PLAN**
SHEET NO.: **LDP-2**

COMMITTEE REPORT



Date: March 9, 2017

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (TB)

Application: Z17-0011 DVP17-0027 **Owner:** Wayne Keith Henney
Denise Alana Henney

Address: 2446 Harvard Road **Applicant:** Wayne Keith Henney

Subject: Application to rezone the subject property from A1 to A1c with variances

1.0 Purpose

The applicant is proposing to rezone the subject property from A1 – Agriculture, to A1c – Agriculture with Carriage House to convert an existing accessory building to a Carriage House. They have requested three variances for maximum overall footprint, maximum height relative to the primary dwelling, and maximum distance from the primary dwelling.

2.0 Proposal

2.1 Background

The subject property is 3.43 acres and is currently zoned A1 – Agriculture. The property is not located within the Agricultural Land Reserve (ALR), but is adjacent to ALR Lands on the north east property line. The existing accessory building was constructed in 2001 and met the Zoning Bylaw requirements at that time for an accessory building. To convert the accessory building to a carriage house triggers three variances based on the different zoning requirements for an accessory building versus a carriage house.

The property is not currently actively farmed and does not have Farm Status through BC Assessment.

2.2 Proposal

The subject property is located outside of the Permanent Growth Boundary, and the Official Community Plan (OCP) Future Land Use is Resource Protection Area.

The applicants are proposing to rezone to A1c – Agriculture with Carriage House to convert the existing accessory building to a carriage house for family use. The habitable area of the carriage house would be on the upper floor while the lower floor would remain as a garage plus workshop area. The accessory building is already connected to power, water, and septic field. Access would be from the existing driveway and the carriage house would meet the parking and private outdoor space requirements.

2.3 Variances Requested

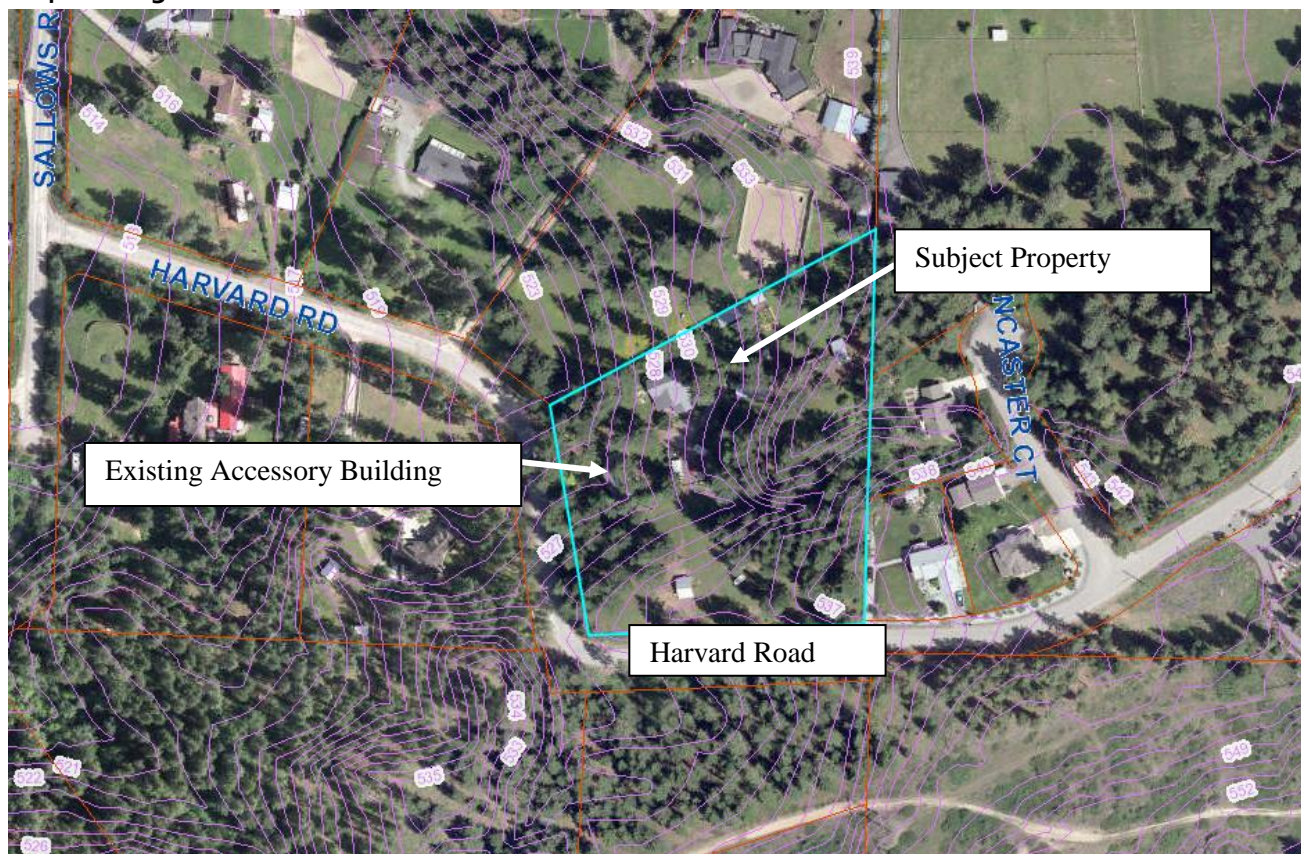
The conversion of the accessory building to a carriage house does require approval of three variances. The first variance is due to the location of the accessory building being more than 10m away from the primary dwelling (10.0m required, 21.5m existing). This provision in the Zoning Bylaw was created to encourage carriage houses on agricultural land to be located close to the existing dwelling, using a residential homeplating footprint so as to have minimal impact on viable agricultural land.

The second variance is to vary the maximum height relative to the primary dwelling at peak. The Zoning Bylaw states that the carriage house must be less than the primary dwelling at mid-point and at peak. The main dwelling has an overall height at peak of 6.9m and the existing accessory dwelling as an overall height at peak of 7.43m.

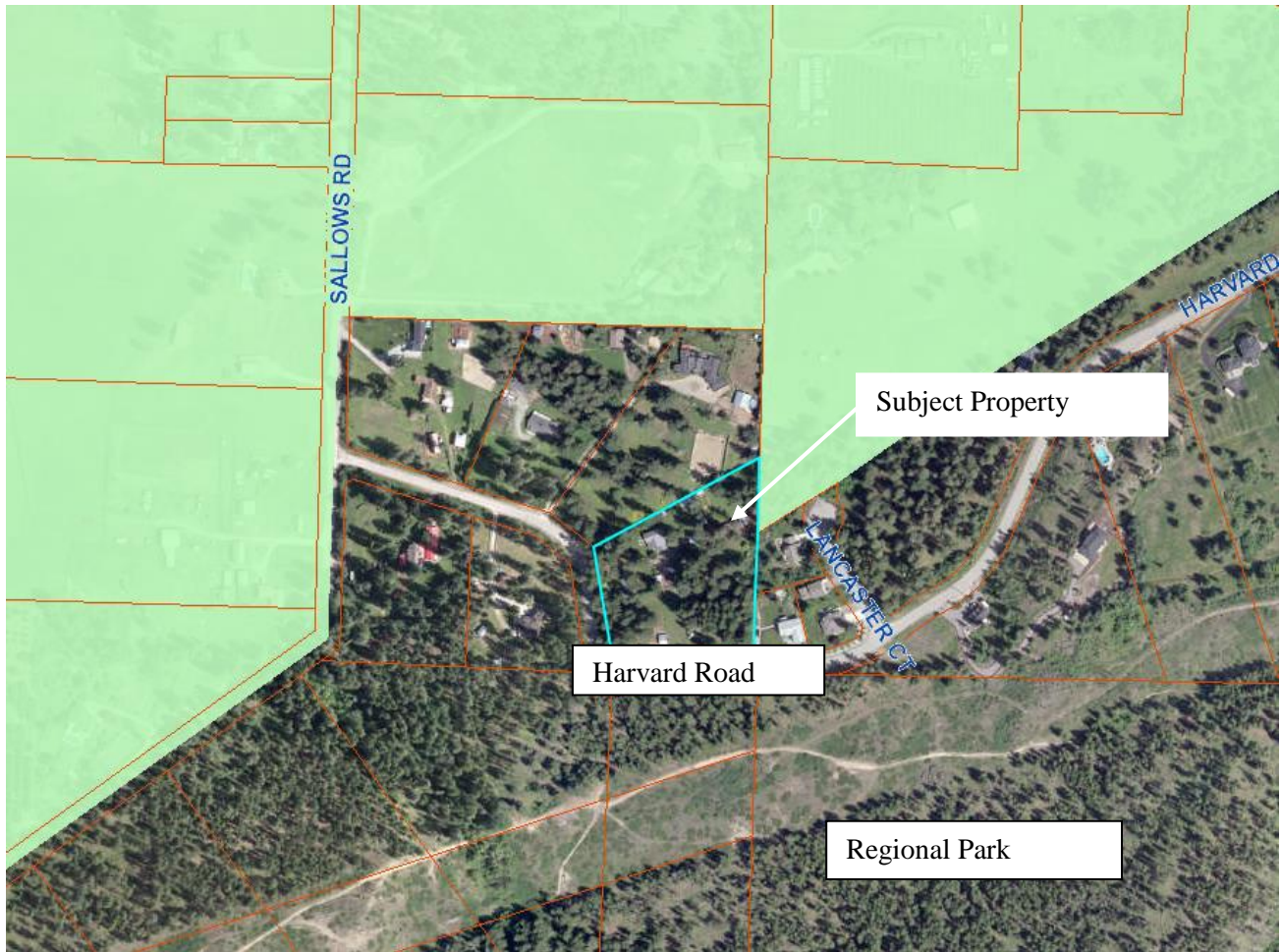
The third variance is to vary the maximum footprint of a carriage house from 90m² (required) to 118.9m² (existing). The habitable floor area of the carriage house *does* meet the requirements as only the upper floor will be used as habitable space.

2.4 Site Context

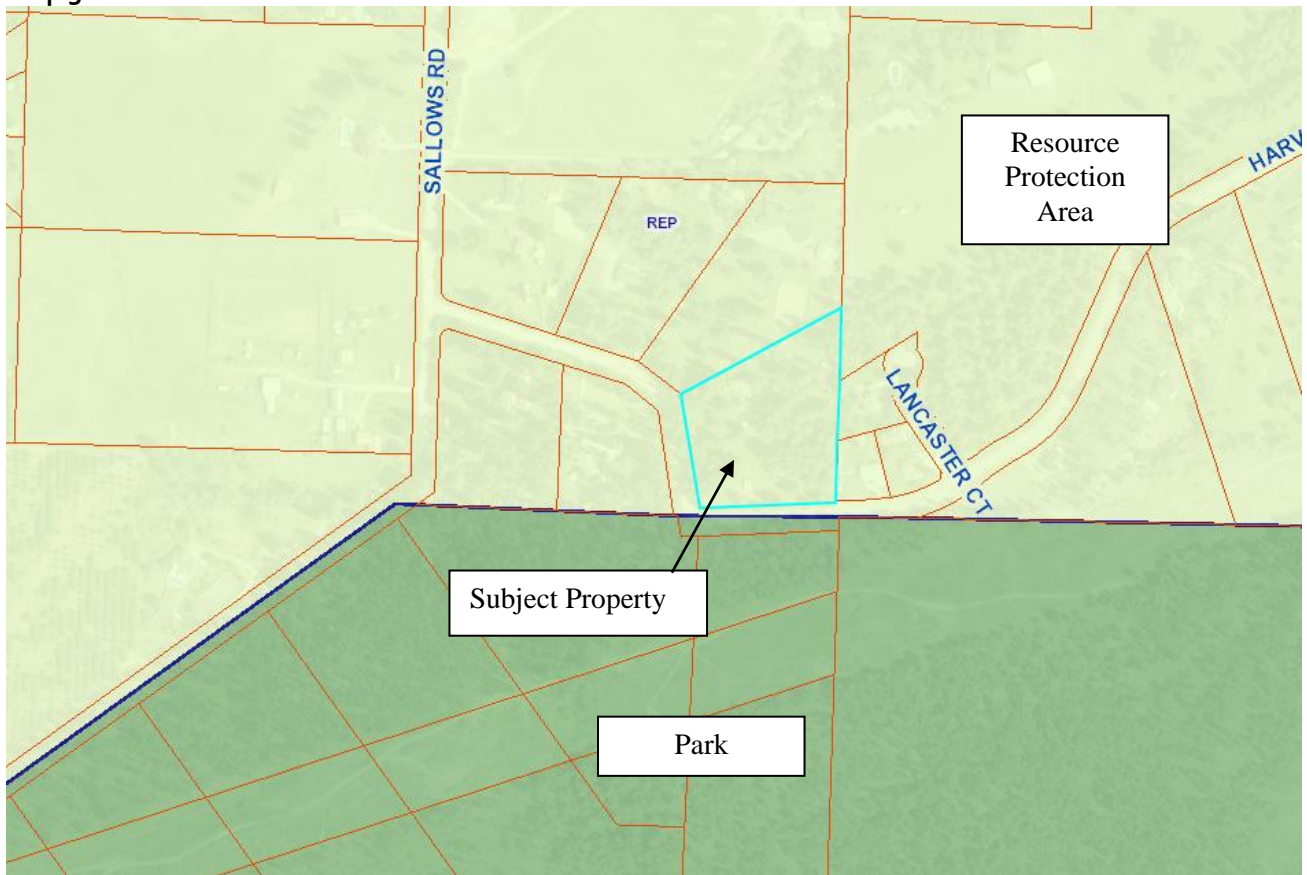
Map 1 - Neighbourhood



Map 2 – Agricultural Land Reserve



Map 3 – Future Land Use



2.5 Neighbourhood Context

The subject property lies within the Southeast Kelowna Sector. It is located east of Sallows Road and north of Myra-Bellevue Park. The property is not located within the Permanent Growth Boundary and is adjacent ALR Land.

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	No	Rural Residential
South	A1 - Agriculture	No	Park
East	A1 – Agriculture RR ₃ – Rural Residential 3	Yes / No	Agriculture / Rural Residential
West	RR ₁ – Rural Residential 1	No	Rural Residential

3.0 **Community Planning**

The following relevant policies are in the City's Agriculture Plan and the OCP:

3.1 Kelowna Official Community Plan (OCP)

OCP Chapter 1: Introduction

Goals for a Sustainable Future

Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

OCP Chapter 4: Future Land Use

Permanent Growth Boundary (PGB)

Lands within the permanent growth boundary may be considered for urban uses within the 20-year planning horizon ending 2030. Lands designated as Future Urban Reserve within the permanent growth boundary may be considered for urban uses beyond 2030. Lands outside the permanent growth boundary will not be supported for urban uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

Objective 5.33 Protect and enhance local agriculture

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 .8 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

OCP Chapter 15: Farm Protection DP Guidelines

Objectives

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

Guidelines

- On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations.
- On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites).
- Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands.

3.2 Agriculture Plan (1998)

Transportation Policies

New Growth Areas. Discourage the establishment of new growth areas within or beyond agricultural areas that create additional traffic pressure on the local rural road network.

Urban-Rural/Agricultural Boundary Policies

Farmland Preservation. Direct urban uses to land within the urban portion of the defined urban – rural / agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

Isolated Development. In general, not support extensions to existing development or new development isolated within agricultural areas, regardless of ALR status.

4.0 **Agricultural Advisory Committee**

The Community Planning department is seeking comment and recommendation from the Agricultural Advisory Committee on the following:

- Support or non-support for the proposed rezoning from A1 – Agriculture to A1c – Agriculture with Carriage House for the purposes of converting an existing accessory building to a Carriage House;
- Support or non-support for each of the three variances:
 - Distance from primary dwelling;
 - Height relative to peak of primary dwelling;
 - Maximum footprint of 118.9m² (existing) compared to 90m² (required).

Report prepared by: Trisa Brandt, Planner I

Reviewed by: Todd Cashin, Community Planning Department Manager

Attachments:

Attachment "A": Applicant's Application Package

Attachment "B": Photos



City of
Kelowna
COMMUNITY PLANNING

[illegible]

JOB TITLE
PROPOSED
COACHOUSE AT
2446 HARVARD
ROAD
W. Henney
250-7644777

DRAWING TITLE
EXISTING SITE PHOTOS, COLOUR BOARD.

AND DESIGN	Z17-0011						
EDUCATIONAL	DVP-0027						
Initials							
DATE	DEC. 12-06						
DRAWN BY	TB						
JOB No.	WCS-016						
SCALE	N.T.S.						
DRAWING No.							

PARKING AREA AT TOP OF DRIVEWAY

FRONT OF HOUSE (PRINCIPLE BUILDING)



DRIVEWAY FROM FRONT GATE

SITE VIEWS

1. **USE WOULD BE LOW IMPACT AND MINIMAL ADDITIONAL TRAFFIC:** Suite intended for single family member living in suite two to three weeks out of every six to eight weeks during time off work or as either a guest or caretaker suite for future assistance in property maintenance. Not intended for a rental suite.
2. **HISTORY OF PREVIOUS STRUCTURES AFFECTS B.C. ASSESSMENT CLASSIFICATION:** Property is classified as Actual Use OGO, two acres or more, Single Family Dwelling, Duplex. This classification may be based on two previous structures. A small cabin removed in 2001, and a mobile home just below the accessory building location circa 1960 -70s were both connected to current second septic system now in use for a toilet and sink in the garage.
3. **CURRENT BUILDING BUILT TO ZONING BYLAW:** Under Zoning Bylaw 8000, the building was built below the maximum height for an accessory building and at the time of construction there wasn't a regulation specifying maximum footprint or distance from the principal building.
4. **BUILDING IS CURRENTLY SERVICED AND READY FOR DEVELOPMENT:** The building is serviced with power fed underground to a sub-panel from the main house as are telephone and cable. A second service could be added if necessary. The building is plumbed with water and has a septic tank and field.
5. **NEIGHBOURING PROPERTIES ZONING AND USE:** Property is in a small pocket of A1, R1 and R23 zoned properties not in the A1R. There are three A1 zoned properties within approximately 100 m. and 101' zoned properties within 1.6 km. The Myra-Bellevue Provincial Park across the street has frequent visitors. Other neighbours include the Boteaga Boutique Hotel and Nagging Doubt Winery on Sallows Rd. The hotel occasionally attracts large volumes of traffic and the winery will also increase traffic as it develops. The attached South Perimeter Road extension map shows our location and future road improvements to help with increased traffic from the thousand new housing units planned for the South Slopes. Bedford to Benlouis is our main route to town. The accessory building is located within an "inner yard" area with the house of approximately .3 ha. The remaining portion of the property, 1.1 ha., is used as horse and small animal pasture and contains a small barn and three horse shelters. It is moderately treed with 75' to 100' (22 to 30 m) fir trees as shown on the attached 2015 aerial view. Due to elevation changes and a large gully through the middle of the property, it is not suitable for most other agricultural uses.
6. **SUMMERS:** There will be minimal impact on the area. One additional vehicle part-time, parked in the garage, no increases in building footprint, and no visual changes to the property. Simply finishing the existing storage area to make it habitable is all that is required.

DESIGN RATIONALE

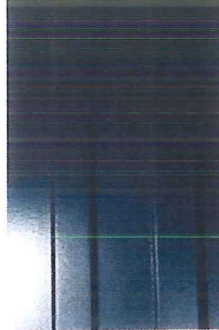
WEST ELEVATION



EAST ELEVATION

ELEVATIONS

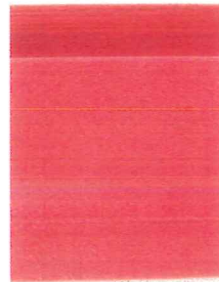
- WHITE (DOORS, WINDOWS, GUTTERS) CHARCOAL (METAL ROOFING)



CHARCOAL (METAL ROOFING)



CANYON CLAY (VINYL SIDING)



RED BRICK (FACIA, TRIM, CASING)

COLOUR BOARD

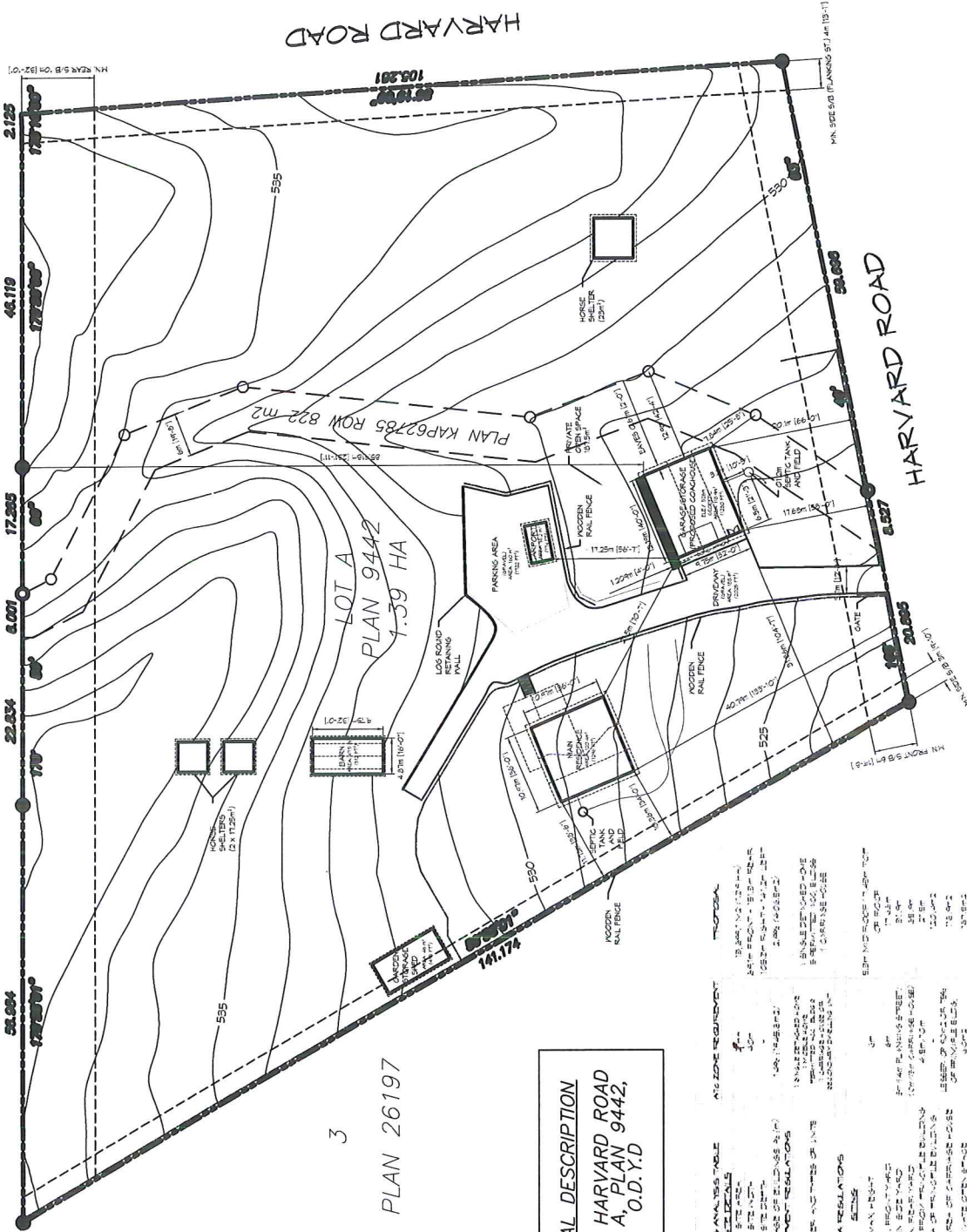
[illegible]

DEVELOPMENT
PERMIT 2446
HARVARD ROAD
KELOWNA

SITE PLAN AND SITE COVERAGE

DRAWING NO. 067:1

A



LEGAL DESCRIPTION
2446 HARVARD ROAD
LOT A, PLAN 9442,
O.D.Y.D

[illegible]

[illegible][illegible]

PROPOSED
COACHOUSE AT
2446 HARVARD
ROAD

DRAWING TITLE

UPPER FLOOR,
GARAGE &
FOUNDATION
PLANS AND BLDG.
SECTION

DATE DEC. 1/2016

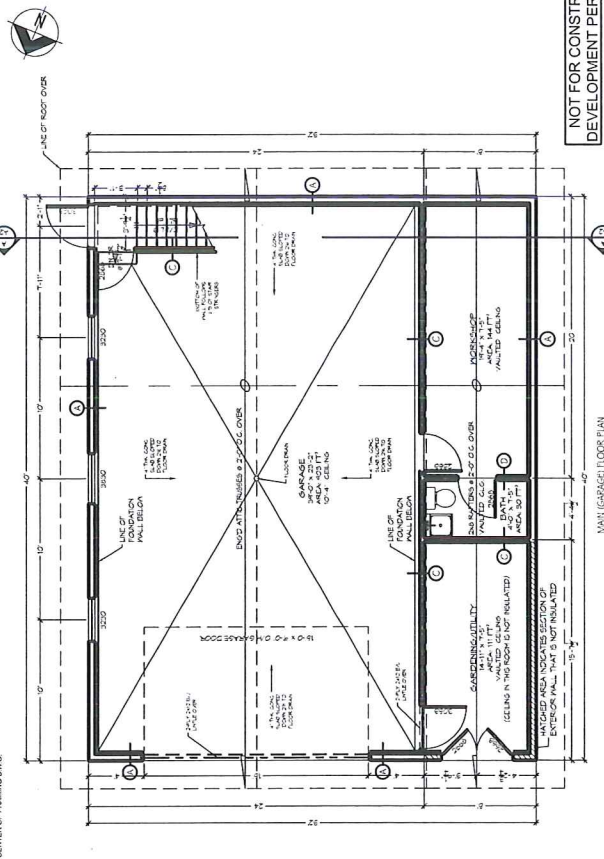
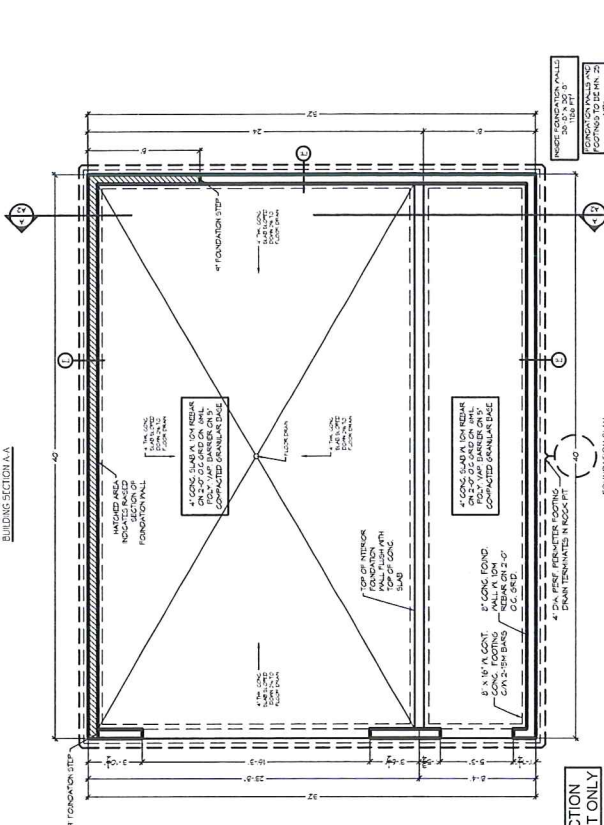
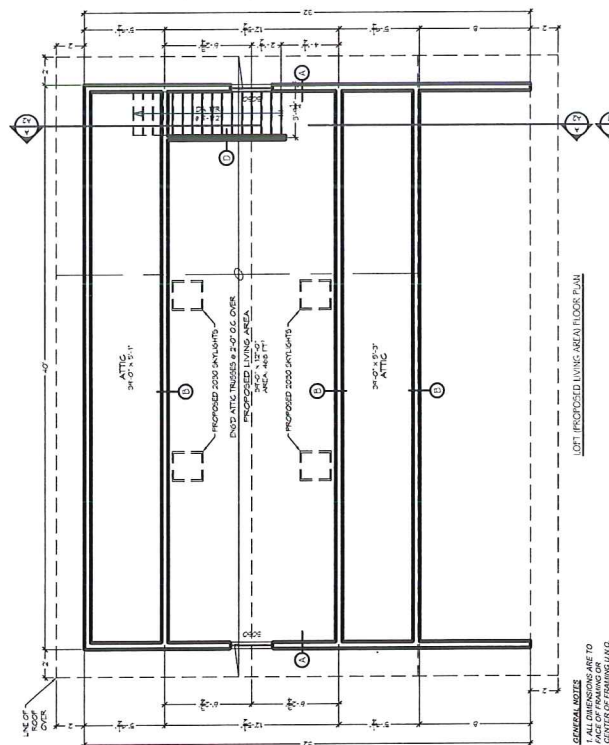
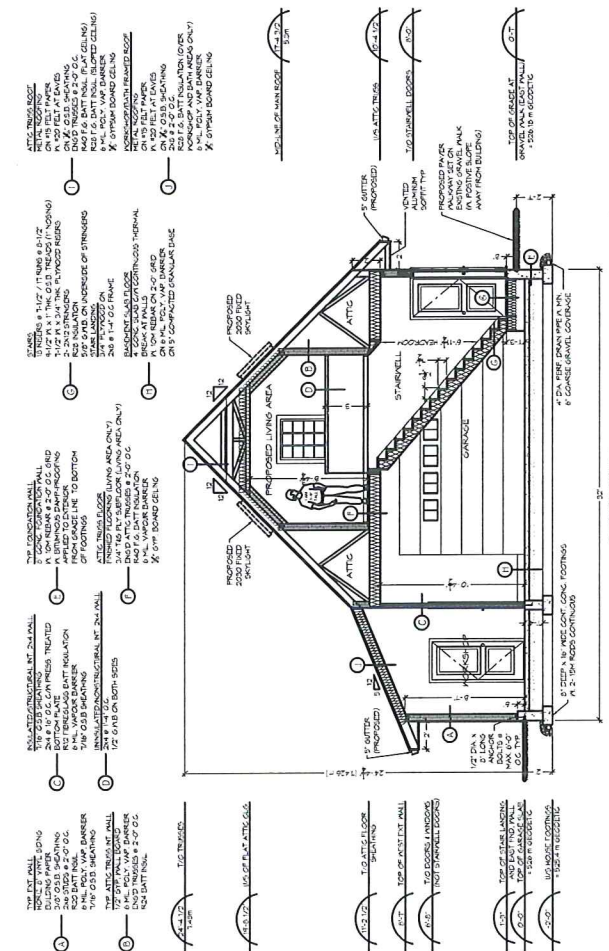
DRAWN BY
D.P.

JOB No. WCS 10-16

SCALE
1/4" = 1'-0"

DRAWING No.

A2



NOT FOR CONSTRUCTION
DEVELOPMENT PERMIT ONLY

FOUNDATION PLAN

[illegible]

JOB TITLE

PROPOSED
COACHOUSE AT
2446 HARVARD
ROAD

DRIVING

BUILDING
ELEVATIONS

1100

DEC. 1/2016

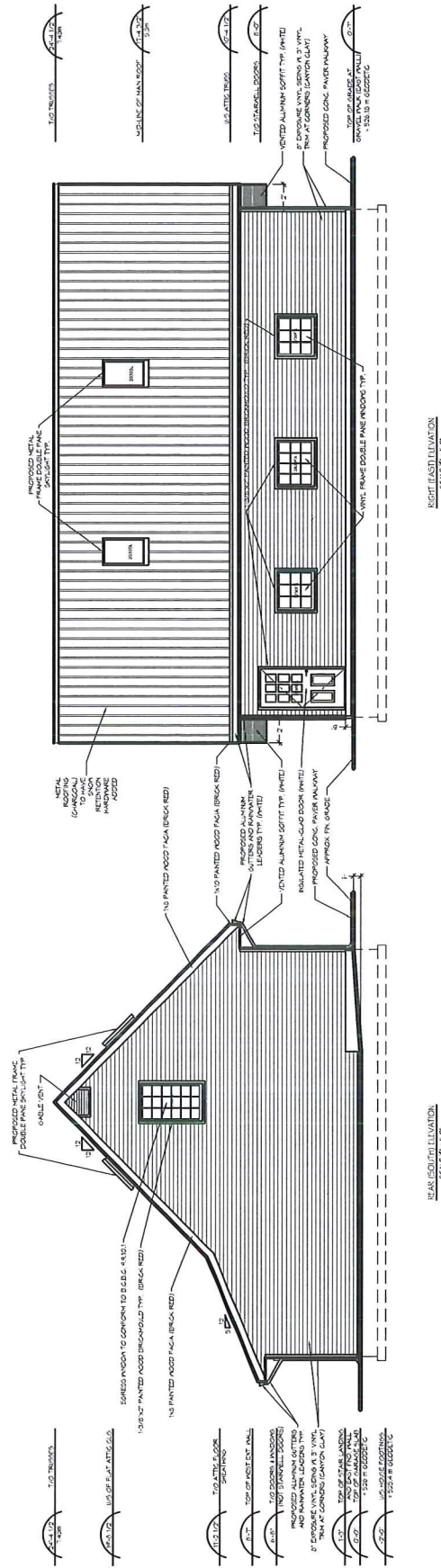
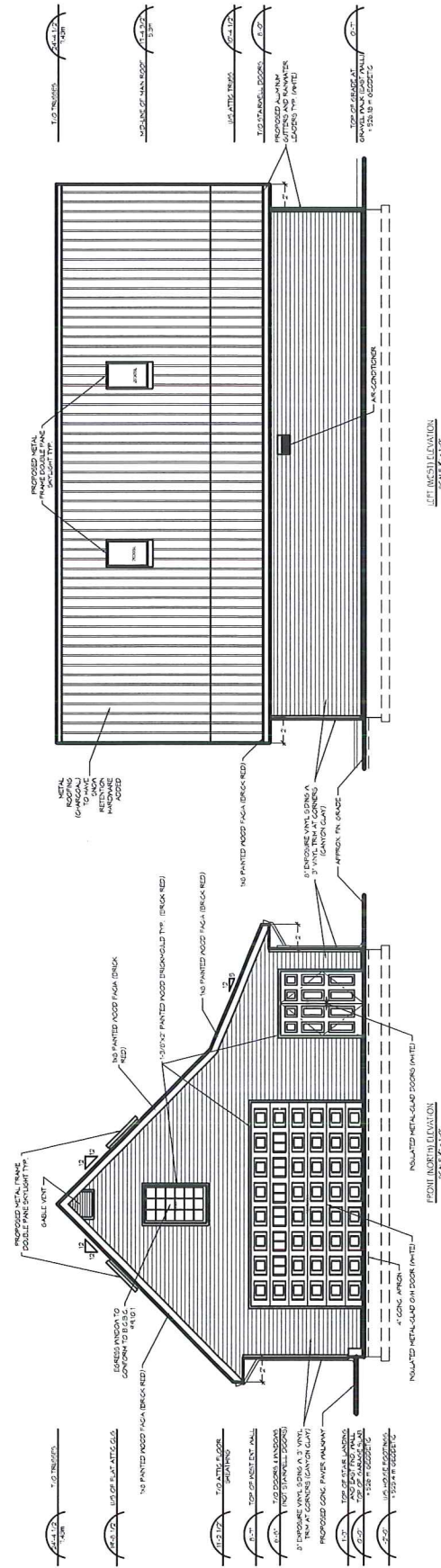
RESEARCH DESIGN

JOB No.

91-013M

 $1/4'' = 1'-0''$

A3

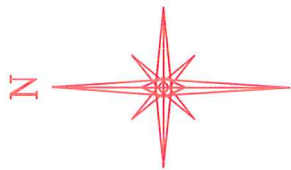
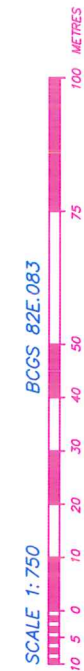


NOT FOR CONSTRUCTION
DEVELOPMENT PERMIT ONLY

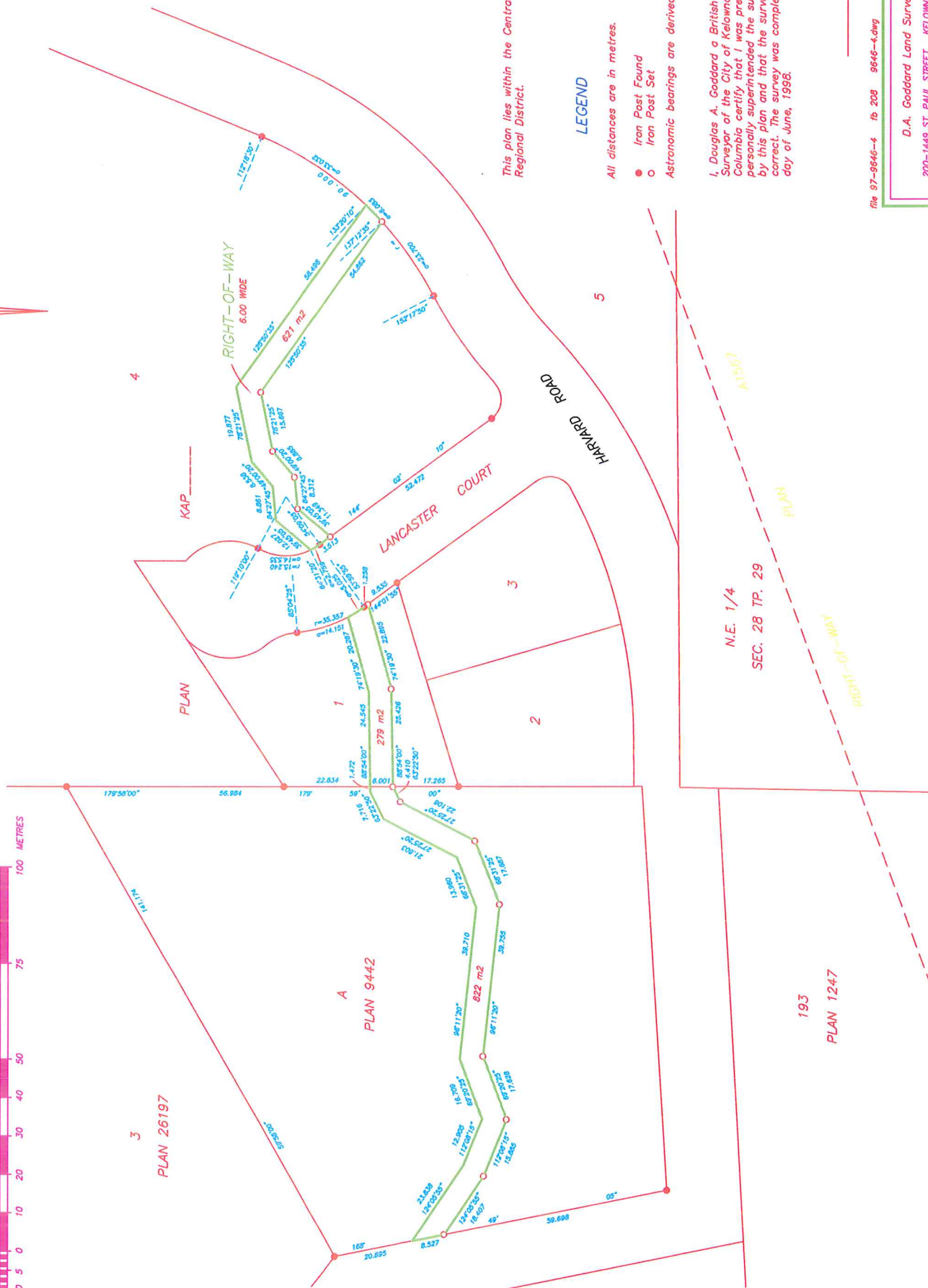
PLAN OF STATUTORY RIGHT-OF-WAY FOR THE
CITY OF KELOWNA IN LOTS 1 & 4 PLAN KAP_____
SEC. 33 TP. 29 and in LOT A PLAN 9442
SEC. 33 TP. 29 all in O.D.Y.D.

PLAN No. KAP62785

Deposited in the Land Title Office at Kamloops, B.C.
this day of _____, 19____



Registrar



This plan lies within the Central Okanagan Regional District.

LEGEND

All distances are in metres.

- Iron Post Found
- Iron Post Set

Astronomic bearings are derived from plan KAP_____

I, Douglas A. Goddard a British Columbia Land Surveyor of the City of Kelowna in British Columbia certify that I was present at and personally supervised the survey and plan are by this plan and that the survey and plan are correct. The survey was completed on the 12th day of June, 1988.

193

PLAN 1247

N.E. 1/4

SEC. 28 TP. 29

RIGHT-OF-WAY

B.C.L.S.

File 97-9646-4 1b 208 9646-4.dwg

D.A. Goddard Land Surveying Inc.
200-1449 ST. PAUL STREET KELOWNA PHONE 763-3733



COMMITTEE REPORT



Date: March 9, 2017

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: DP17-0046 **Owner:** Wyn Lewis
Marion Lewis

Address: 3240 Pooley Rd **Applicant:** CTQ Consultants

Subject: Application for a Development Permit for a Winery Lounge Expansion in the ALR and a Development Permit Variance to Vary Bylaw 8000 for height

1.0 Purpose

The applicant is requesting authorization from Council for a Development Permit for a Winery Lounge Expansion in the Agricultural Land Reserve ALR and a Development Variance Permit to vary Bylaw 8000 A1 – Agriculture 1 zone for the height of the proposed winery from 2 ½ stories permitted to 3 stories proposed.

2.0 Proposal

2.1 Background

Okanaganville 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 (main floor only) to a wine shop;
- 2011 – Received a 'Winery Special Event Endorsement' liquor license to Council, for the Courtyard of their house for theatre events;
- 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); and
- Concurrently – Non-Farm Use Application for commercial assemblies over the 10 per year permitted by the Agricultural Land Commission.

2.2 Project Description

The applicant is requesting an authorization from Council for a Development Permit for a Winery Lounge Expansion in the Agricultural Land Reserve and a Development Variance Permit to vary Bylaw 8000 A1 – Agriculture 1 zone for the height of the proposed winery from 2 ½ stories permitted to 3 ½ stories proposed.

Agricultural Land Commission (ALC) staff have reviewed the plans for the expansion and have deemed it a farm use, consistent with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALC Regulation)¹.

Council is looking for input from the AAC regarding the following:

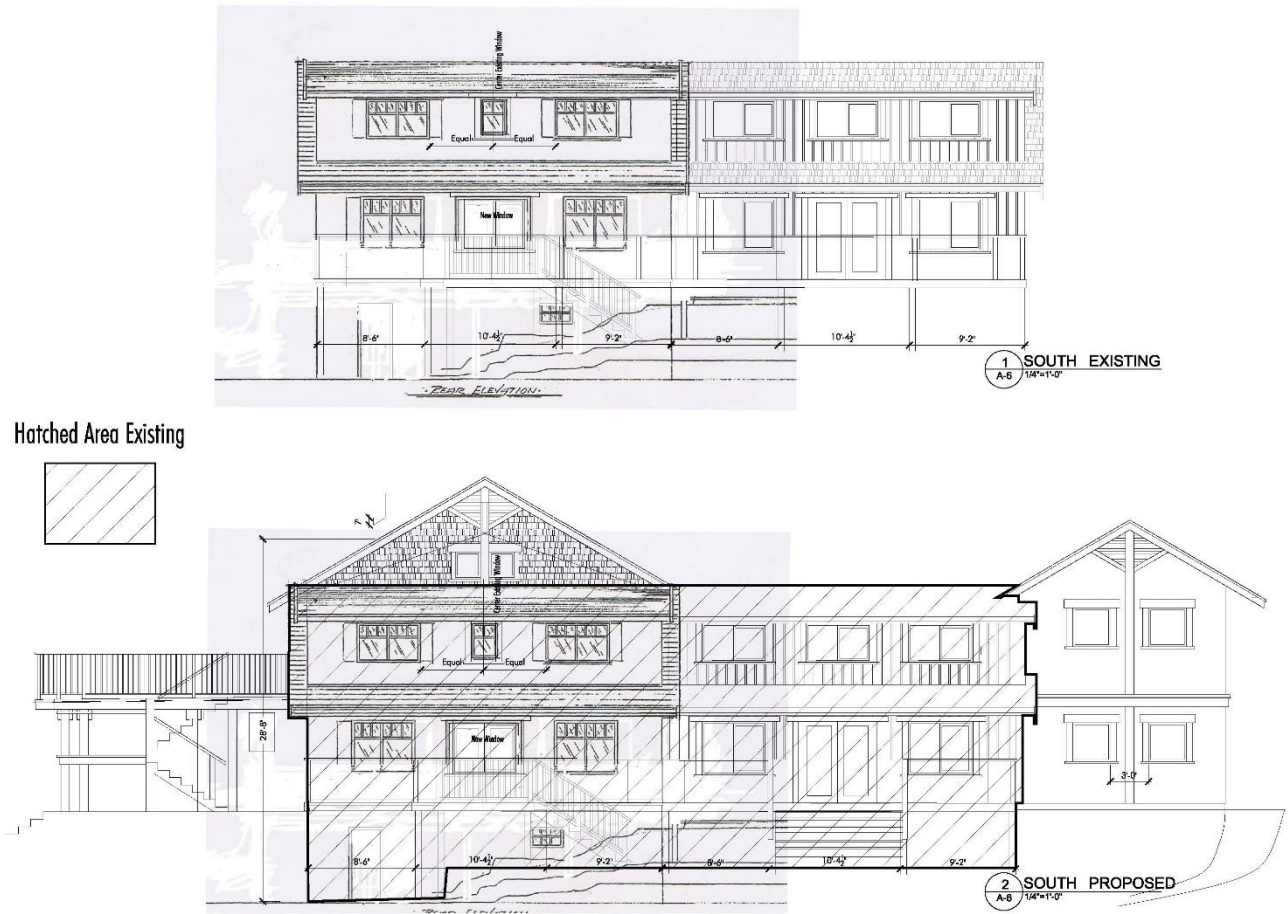
- Recommendation of support or non-support for the variance from 2 ½ stories to 3 ½ stories, with respect to how the increase in height might affect agriculture over the long term, both on the subject properties, neighbouring farm properties, and farm properties within the City of Kelowna as a whole.
- Any specific recommendations to mitigate potential impacts to neighbouring farm operations, including buffering outdoor spaces for the protection of winery guests from dust and sprays.

Figure 1 – Rendering of Winery Expansion Proposal



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

Figure 2 – Front Elevation of Winery Expansion Proposal



2.3 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 – 4, 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 – Residence and Special Events Area Courtyard

Courtyard - Special Events Area – Liquor License –
Council approved in 2011 (1175 square metres
approximately)



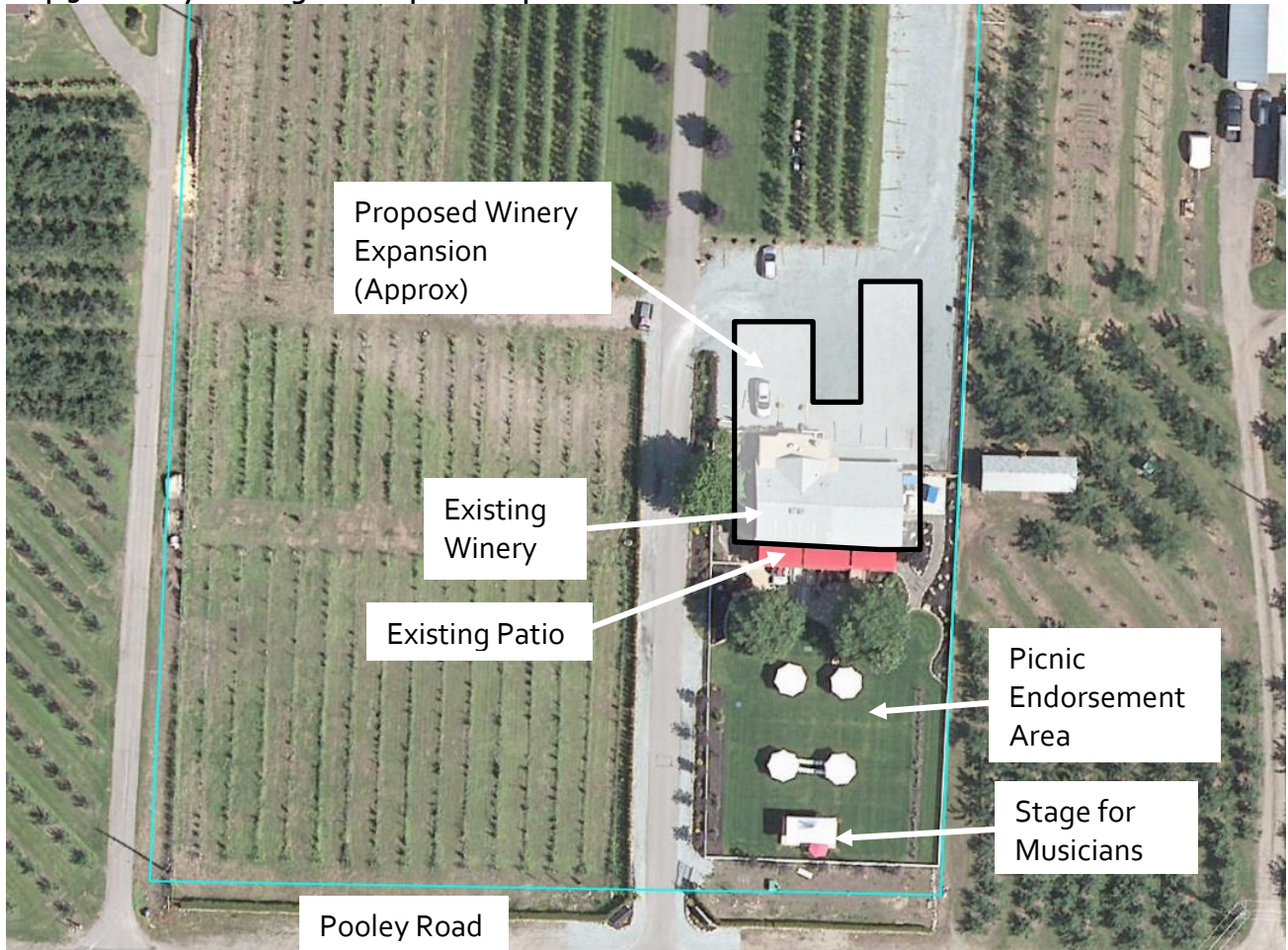
Single
Family
Dwelling

Phantom
of the
Opera –
3 per
summer

Shakespeare
Plays – 6 per
Summer

Wine
Storage
Area

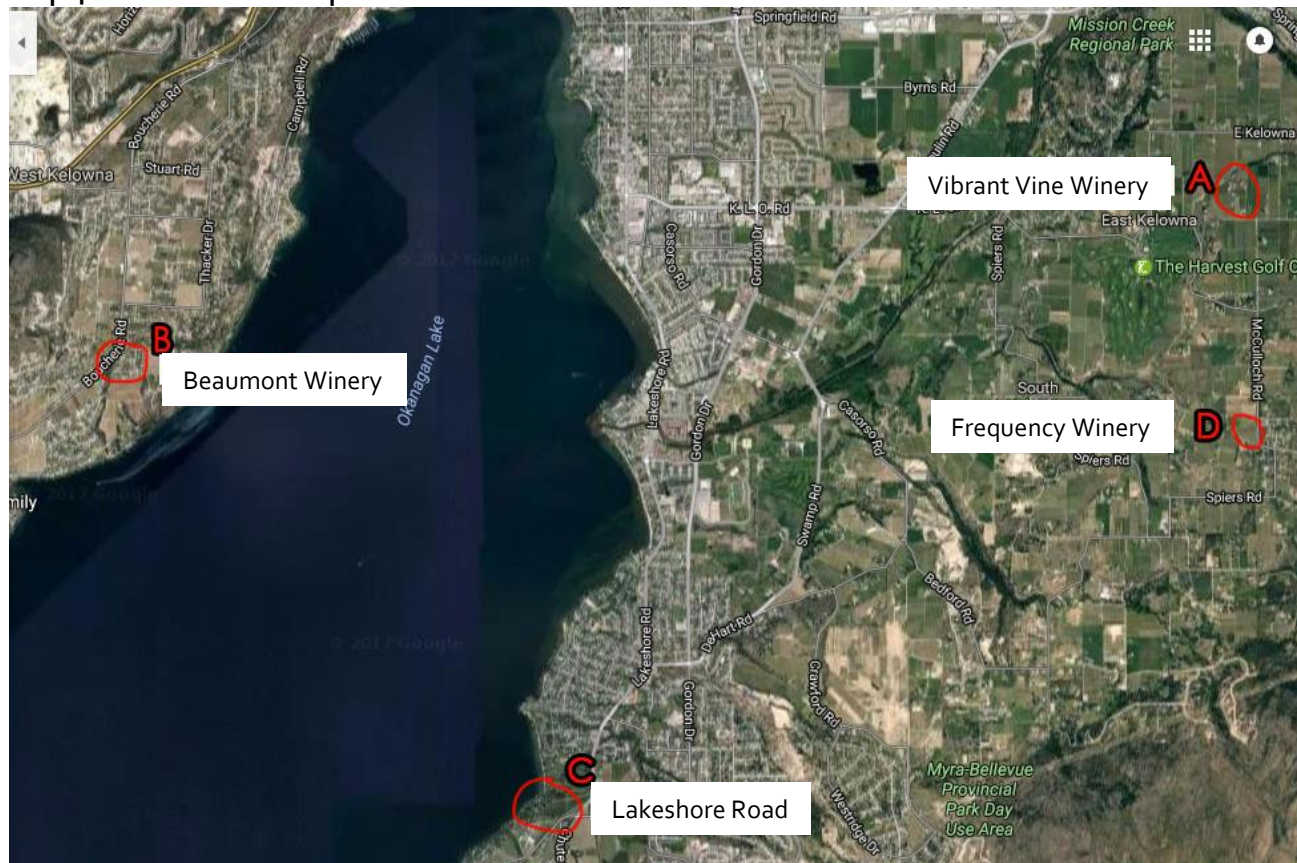
Map 3 – Winery Building and Proposed Expansion



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

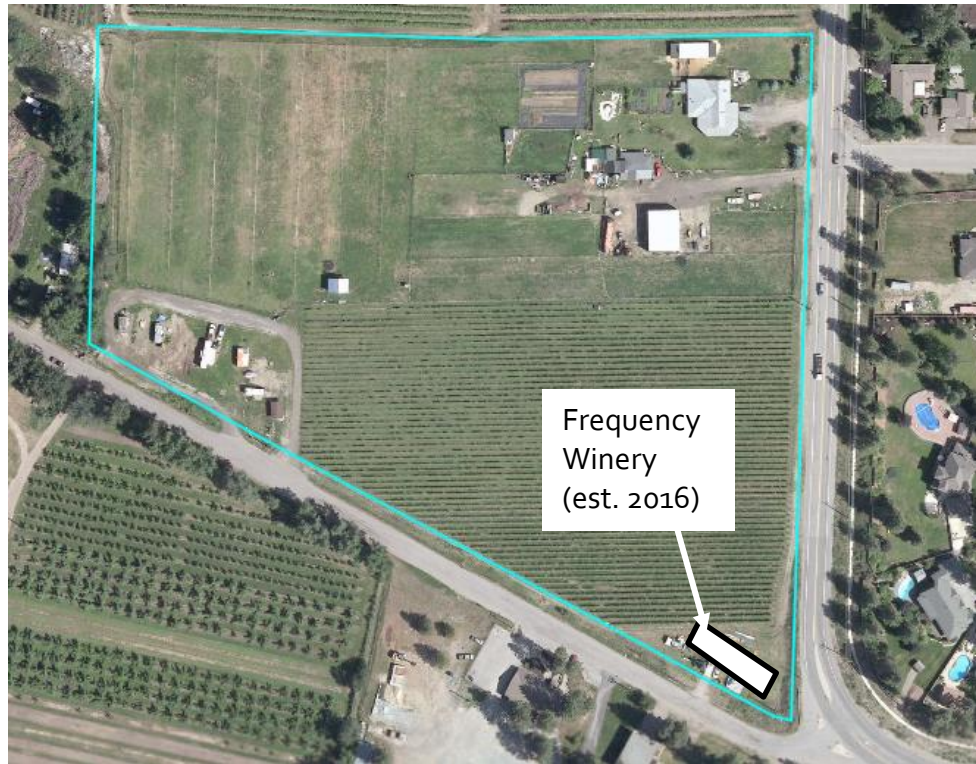
- a) 6 acres 3240 Pooley Rd, East Kelowna – **Vibrant Vine Winery**
- b) 3 acres 2775 Boucherie Rd, West Kelowna – **Beaumont Winery**
- c) 9 acres 5501 Lakeshore Rd Kelowna
- d) 3 acres 3317 McCulloch Rd, East Kelowna – **Frequency Winery**

Map 4 – Wineries and Grape Lease Farms

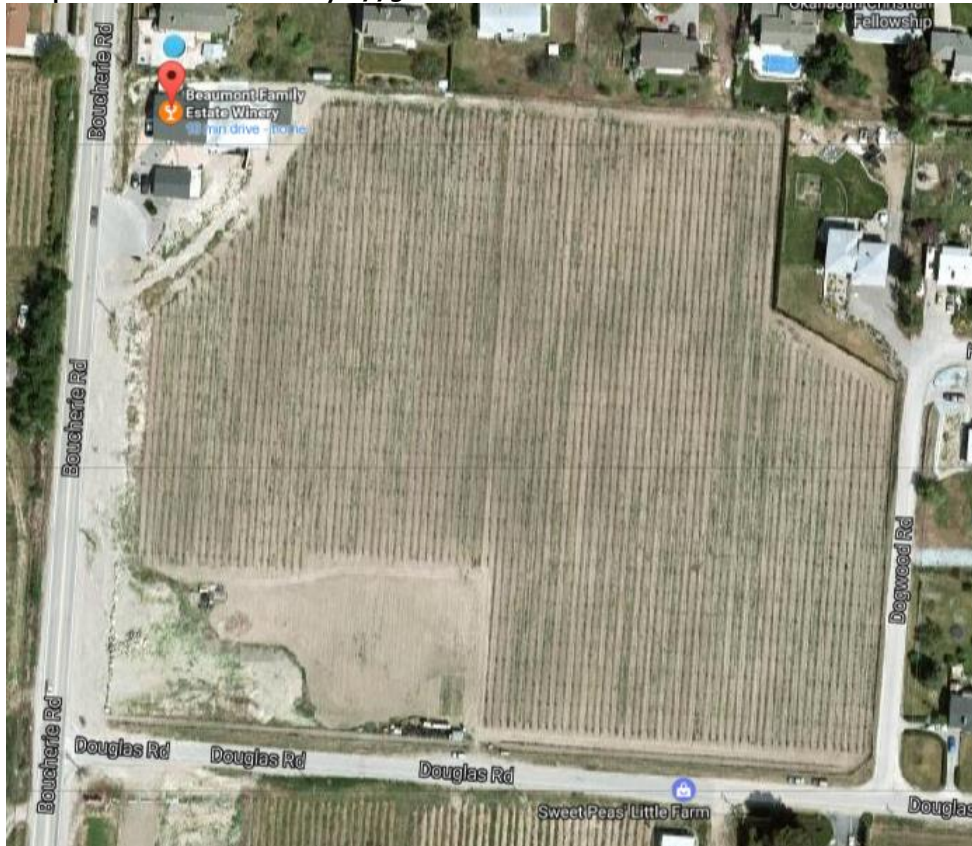


² Collins, M. Jan. 23, 2017. Personal Communication (Email), ALC Director.

Map 5 – Frequency Winery – 3317 McCulloch Road



Map 6– Beaumont Winery 2775 Boucherie Rd



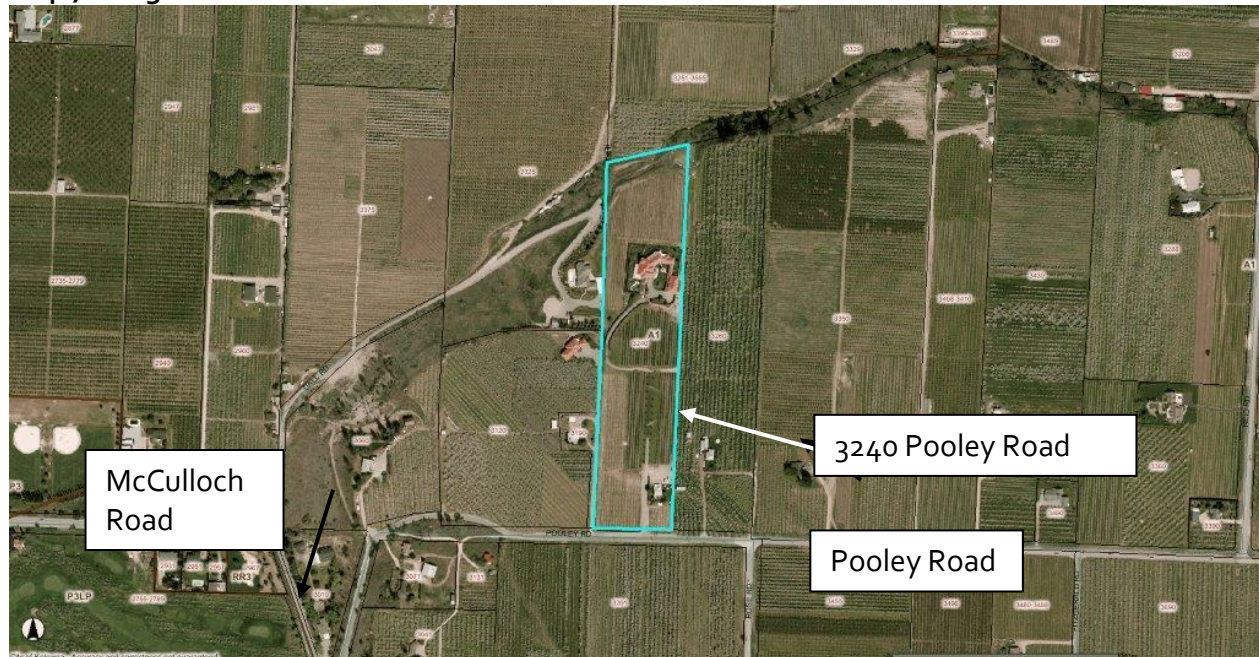
2.4 Site Context

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

Map 7- Neighbourhood



Map 8 – Agricultural Land Reserve



2.5 Agricultural Capability / Soil Types

According to the Canada Land Inventory (CLI), 88,7% of the subject property contains primarily Class 5A Agriculture Capability. Class 5A has limitations to crops based on aridity, due to either soil permeability or climate or both, and is considered improvable with the addition of irrigation. With improvements, this area can be improved to Class *3 capability, which refers to specific capability with respect to grapes and tree fruits. Class 1 to Class 3 is considered prime agricultural land and relatively rare in the Okanagan.

The north portion of the property has a similar rating, of Class 5A and Class 4A. However, this area is improvable to Class 3 with a limitation due to topography, with steeper slopes.

Rutland Soils are dominant on the property. These are gently to moderately sloping glaciofluvial deposits, which typically have 10 to 25 cm of sandy loam over gravelly loam or very gravelly sand. Drainage is rapid. Tree fruits and grapes are typically grown on Rutland soils.

3.0 Community Planning

City Council is seeking a recommendation from the AAC with respect to the proposed winery expansion in the A1 – Agriculture 1 zone / ALR. The AAC should review the application with respect to City and ALC policies and regulations respecting agriculture.

In addition, the AAC should consider potential impacts to agricultural land City-wide should this precedent be established. Recommendations for safeguards to ensure farming is maintained may be considered, as well as potential impacts to farmland valuation and impacts to neighbouring farming operations and residents. If this use is deemed to be appropriate, but only in select locations, the AAC may wish to recommend criteria in establishing appropriate locations along with any constraints that would be appropriate.

Regardless of whether or not the AAC recommends support for the proposed use, AAC members should also make recommendations to Council in terms of limiting or mitigating undesirable impacts of the use in the event that the ALC and City Council approve the use.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:



Todd Cashin, Suburban and Rural Planning Manager

Attachments:

Attachment A – Policies
 Applicant's Package
 Agricultural Land Capability Map
 Soil Capability Map

SCHEDULE A - Policies



Subject: 3240 Pooley Road – Farm Protection DP and DVP

1.0 Official Community Plan

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary³. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses **only** to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Objective 5.33 Protect and enhance local agriculture⁴.

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.

Chapter 5 – Development Process

Guideline 1.3 On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites), in accordance with the following criteria:

- 1.3.1 Consistent with guidelines provided by Ministry of Agriculture "Guide to Edge Planning" and the ALC report "Landscape Buffer Specifications" or its replacement;
- 1.3.2 Incorporate landscaping that reinforces the character of agricultural lands. A majority of plant material selected should include low maintenance, indigenous vegetation;
- 1.3.3 Preserve all healthy existing mature trees located within the buffer area;
- 1.3.4 Integrate double rows of trees, including coniferous trees, and dense vegetation into the buffer;

³ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

⁴ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

1.3 Zoning Bylaw No. 8000

Section 11 – A1-Agriculture 1 Zone

11.1.6(b) The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 16.0m for agricultural structures and 6.0m for accessory buildings or carriage house.

Project No.: 17003

February 9th 2017

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Melanie Steppuhn, Development Planner

ENGINEERING

PLANNING

URBAN DESIGN

Re: Farm Protection Development Permit – Vibrant Vine Winery, Kelowna

Rationale

Okanagan Villa Estate (Wyn and Marion Lewis), owner of the Vibrant Vine Winery located at 3240 Pooley Road in Southeast Kelowna is proposing to undertake modifications to the winery building. In accordance to the policies of the City of Kelowna Official Community Plan, a Farm Protection DP is required in advance of the City issuing and Building Permit. The following explains the rationale for the building changes and expansion.

Generally, the modifications to the building will serve on-site production needs, enhanced ability to serve visitors and most of all reflect the needs of changes (2017) to legislation under the BC Liquor Distribution Branch. The intent of the proposed modifications is to expand space and repurpose some space at the current winery. Legislative requirements that have set the stage for the building modifications are as follows:

- LDB Policy 16/17, Section 2 will require wineries to manufacture more of their wine on site.
- LDB Policy 16/17, Section 6 will require certain visitor activities (e.g. amplified sound) to be undertaken indoors.
- City of Kelowna and LDB Policy via Directive 16/17 Section 6, has placed capacity constraints to picnic areas which implicate opportunities for indoor assembly.
- City of Kelowna Bylaws requires appropriately sized washroom facilities to accommodate visitors in the tasting room and manufacturers lounge.

The modifications and attendant rational for each is as follows:

1. The Storage Building

There are 6 acres of grapes on the property which produce approximately 24 tons of grapes annually, making 15,000 bottles of premium wine. In the past, most of the wine has been manufactured off-site (Summerland). The above noted rules have caused the need to undertake more manufacturing on-site. This means that space is required for both storage and fermentation tanks. The new storage area will need to hold approximately 15,000 bottles of wine, which equates to 25 pallets. Therefore, the new storage area is proposed to hold twelve 5-foot wide pallets times two deep.

2. The New Manufacturer's Lounge

For many years, Vibrant Vine has hosted small Saturday entertainment events in the Picnic Area next to the Tasting Room. The LDB requirement under LDB Policy 16/17, Section 6 will require that the artists using amplified sound will need to be indoors. Vibrant Vine applied for and was granted a Lounge License so that the music can now be performed inside the 125 square meter lounge area of the new building.

3. The Extended Tasting Room

Tasting Room sales during the three peak months of 2016 averaged 2,500 bottles per week. Approximately 1000 bottles are sold on Saturday afternoons between 2 and 4 PM when there are approximately 250 people on-site. The current physical capacity is approximately 150 people inside and on the licensed balcony, and unlimited in the picnic area. In the past, there has been no capacity limit assigned to any areas of the Winery.

The recent capacity constraints imposed by the City (70 people in the existing building), and those imposed by the LDB for the Picnic Area (30 people) have caused need to make appropriate provisions with the building facilities, including the washrooms. So the peak visitor volume is expected to be at least 250, but legal capacity has gone from unlimited to 100. Therefore, the ability to add more space will meet all legislative requirements. The proposed new building and picnic area will have a capacity of 250.

In summary, the following space* will be added:

- New retail/tasting/waiting area: 1121 Sq. Ft
- New east washrooms and small storage area: 496 Sq. Ft
- New (high ceiling) storage: 1472 Sq. Ft.
- New Renovated area over existing: 393 Sq. Ft
- New office space: 496 Sq. Ft (Note: Current space is very tiny)
- New Interior Manufacturer's Lounge: area: 1184 Sq. Ft
- **TOTAL New: 3089 Sq. Ft main floor; 2073 Sq. Ft upper floor.**

The additional footprint will be towards the north side and eastwards of the current building. This will mainly consume existing staff parking area. The eastside will be subject to setback provision of the City Zoning Bylaw and buffering requirements along the property boundary.

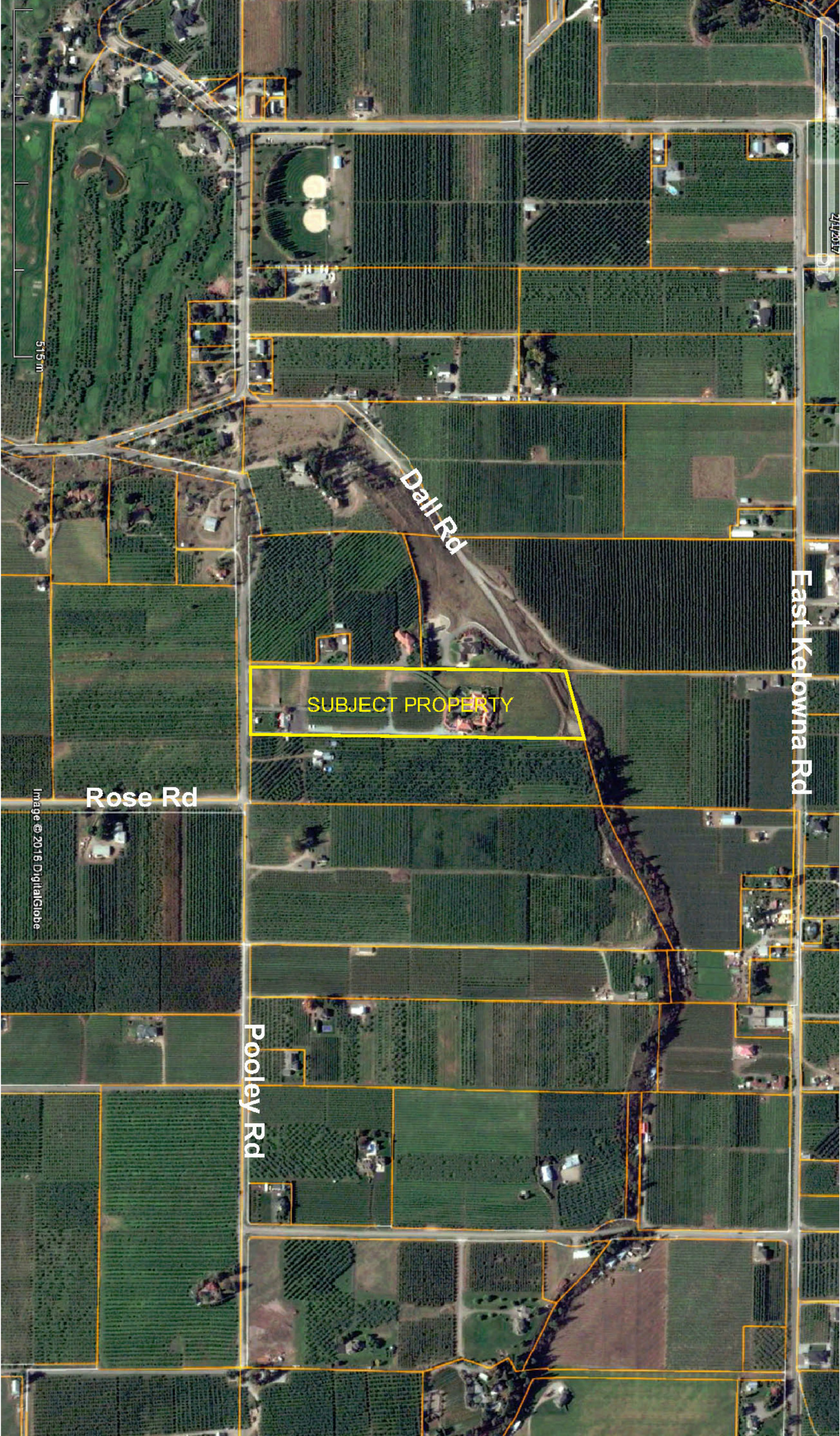
*All space calculations have been derived by KH Designs Inc. (Kevin Halchuk, M.Arch)

Sincerely,

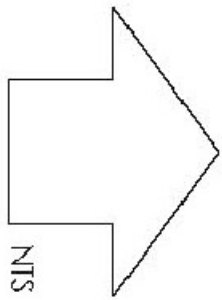
CTQ CONSULTANTS LTD.



Ed Grifone, MCIP, RPP
Senior Consultant/Principal



Vibrant Vine Winery



Development Permit Application-City of Kelowna

- Addition of:
- Storage Space
 - Manufacturers lounge
 - Tasting Room extension



Applicant:

CTO

ENGINEERING PLANNING URBAN DESIGN
1334 St. Paul Street Kelowna, B.C. V1Y 2E1, Ph: 250.979.1721

17003

KH
DESIGNS INC.

2416 Mountain Hollow Lane
West Kelowna
B.C. V4T 3H5
250-575-0590

**Vibrant
Vines**

**3240
Pooley Rd.
Kelowna
British Columbia**

Lot 2 Plan 3379

DRAWN BY: KJH

PROJECT : 07-13
FILE:

ISSUE DATE
Drawing Issued 11/22/16

Cover
Sheet

C-1

West Kelowna
C V4T 3H5
50-575-0590

Vibrant Vines

3240
Pooley Rd.
Kelowna
British Columbia

Lot 2 Plan 3379

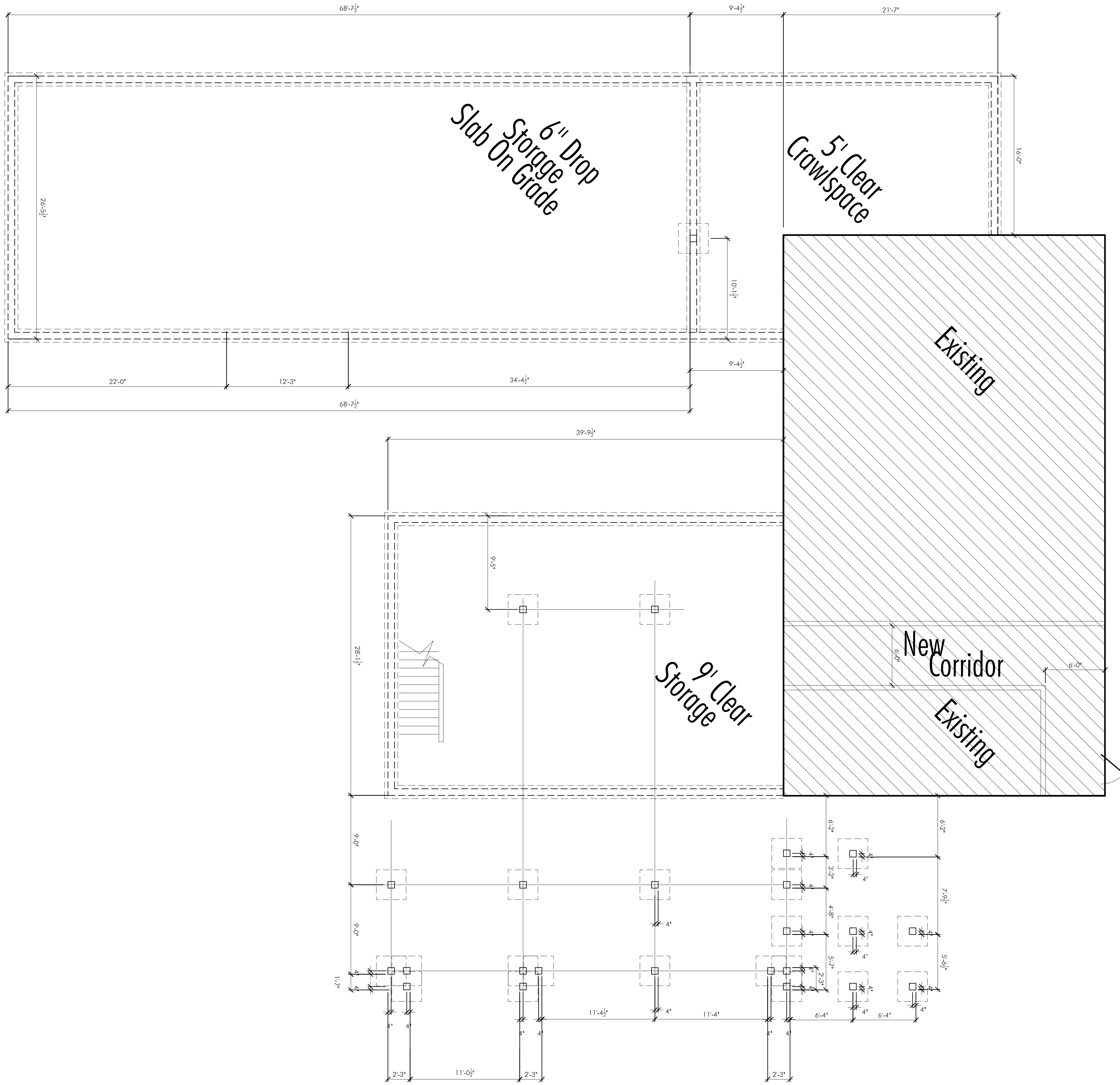
DRAWN BY: KJH

PROJECT : 07-13
FILE:

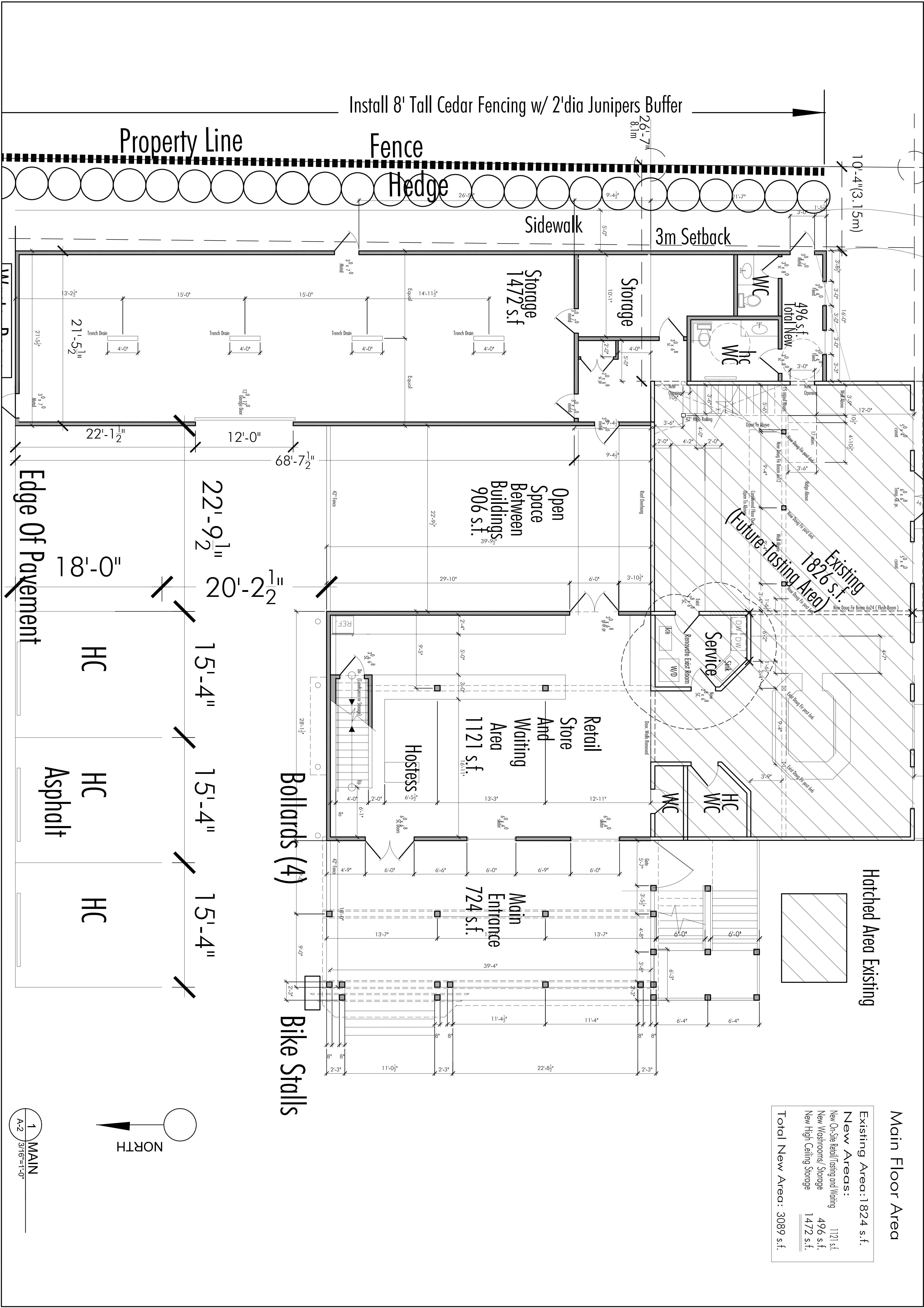
ISSUE	DATE
Drawing Issued	9/16/16

Proposed Foundation Plan

A-1



1 FOUNDATION
A-1 3/16"=1'-0"



KH
DESIGNS

2416 Mountains Hollow Lane
West Kelowna
B.C. V4T 3H5
250-575-0590

Vibrant
Vines

3240
Pooley Rd.
Kelowna
British Columbia

Lot 2 Plan 3379

DRAWN BY: KJH

PROJECT: 07-13

FILE: 11/22/16

Proposed
Main
Plan

A-2

50.575.0590

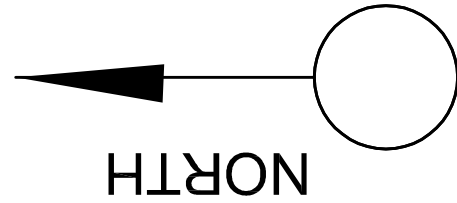
3240
Pooley Rd.
Kelowna
British Columbia

DRAWN BY: KJH

PROJECT: 07-13
FILE:

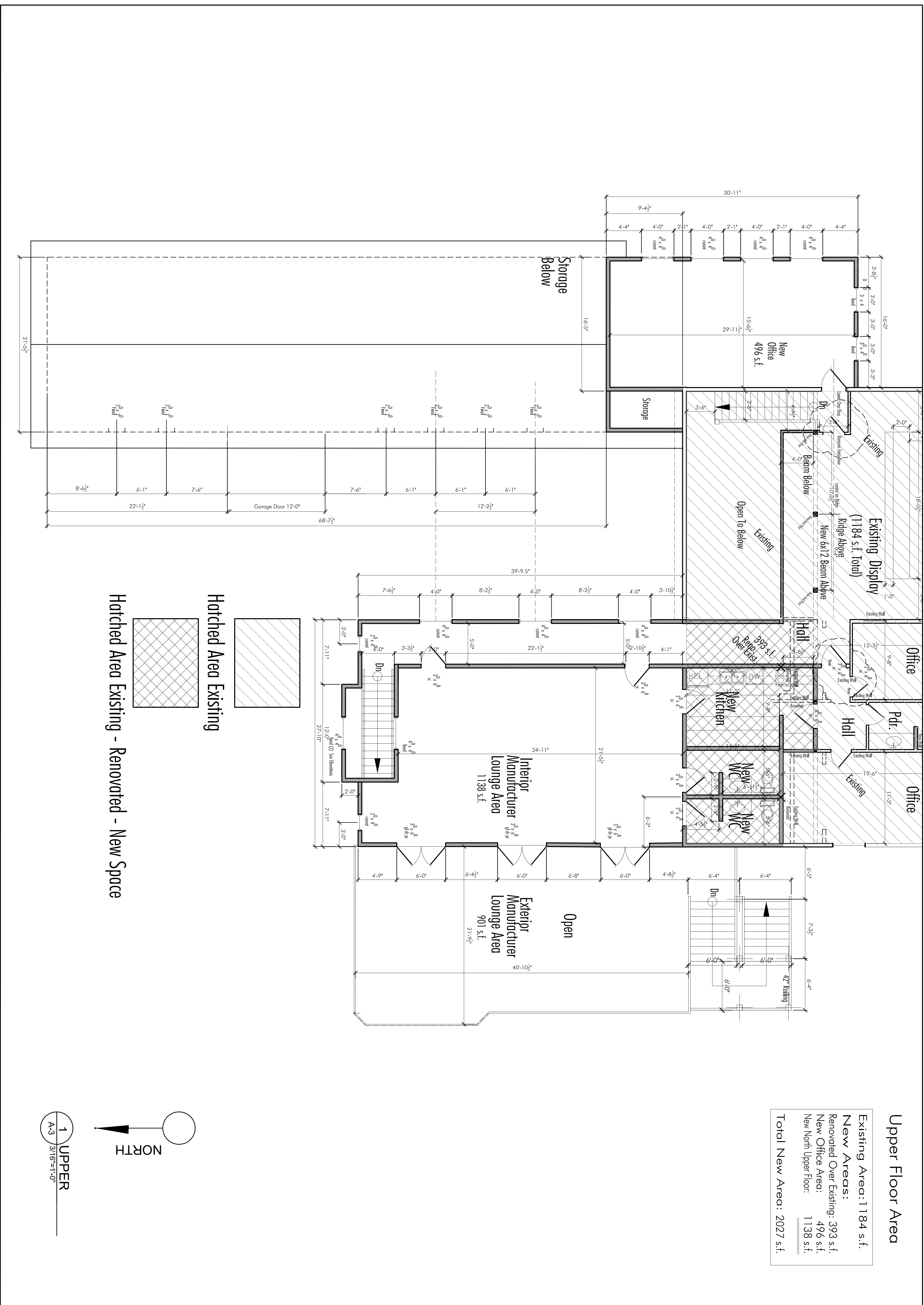
ISSUE	DATE
Drawing Issued	11/22/16

A-2b



1
A-2B

MAIN
1/8"=1'-0"



West Kelowna
V4T 3H5
250-575-0590

Vibrant Vines

3240
Poolley Rd.
Kelowna
British Columbia

Lot 2 Plan 3379

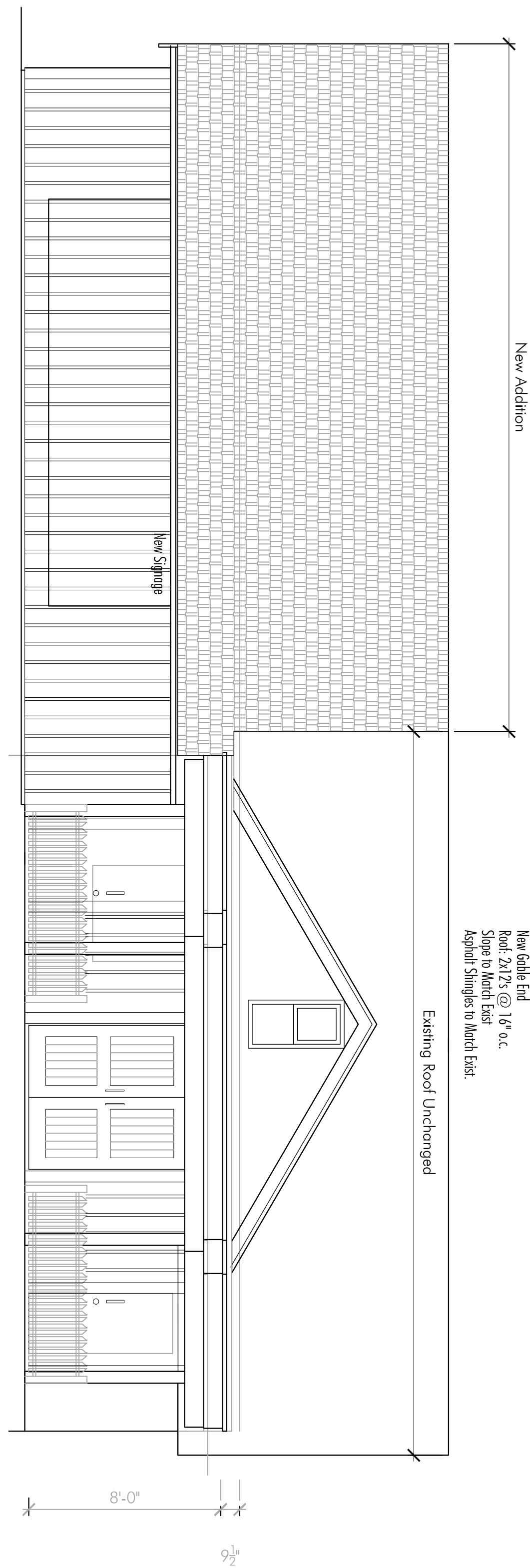
DRAWN BY: KJH

PROJECT : 07-13
FILE:

ISSUE	DATE
Drawing Issued	9/16/16

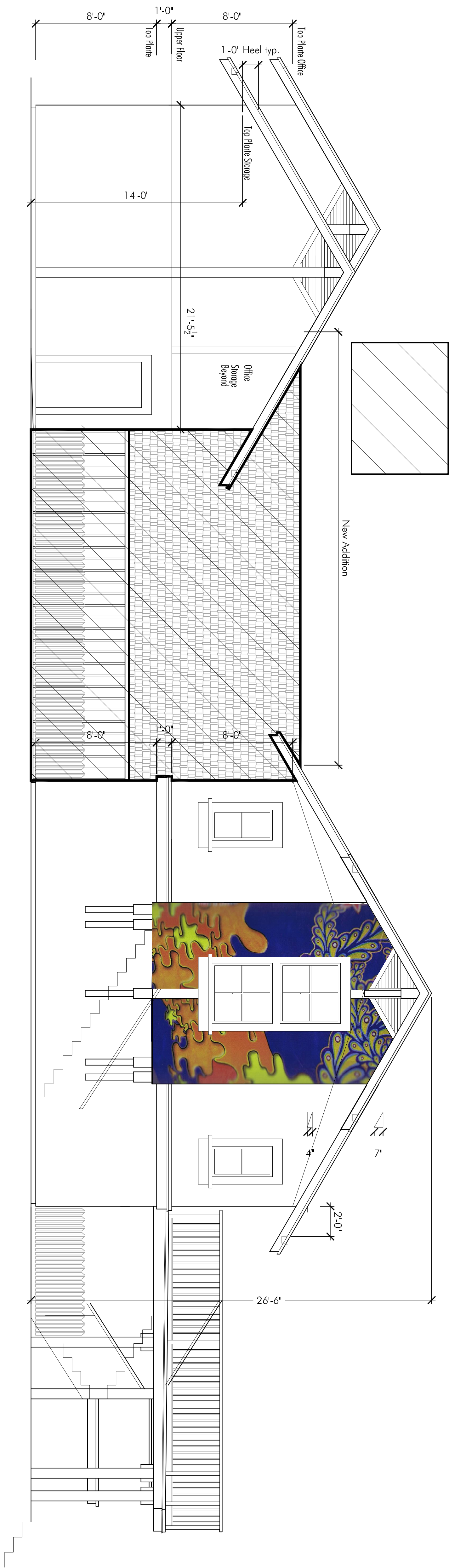
Proposed Elevations

A-5



1 NORTH EXISTING
A-5 1/4"=1'-0"

Hatched Area Existing



2 NORTH PROPOSED
A-5 1/4"=1'-0"



KH
DESIGNS INC.

2416 Mountain Hollow Lane
West Kelowna
B.C. V4T 3H5
250.575.0590

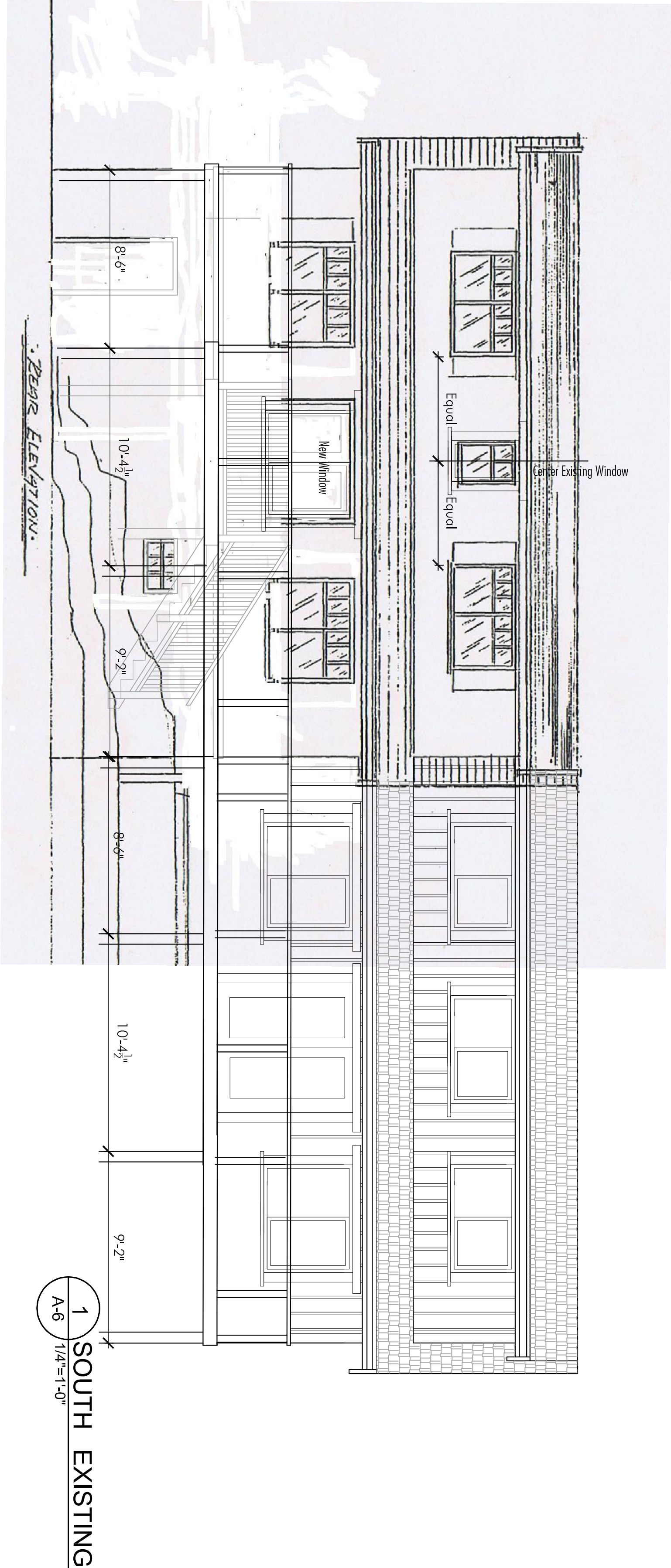
Vibrant
Vines

3240
Pooley Rd.
Kelowna
British Columbia

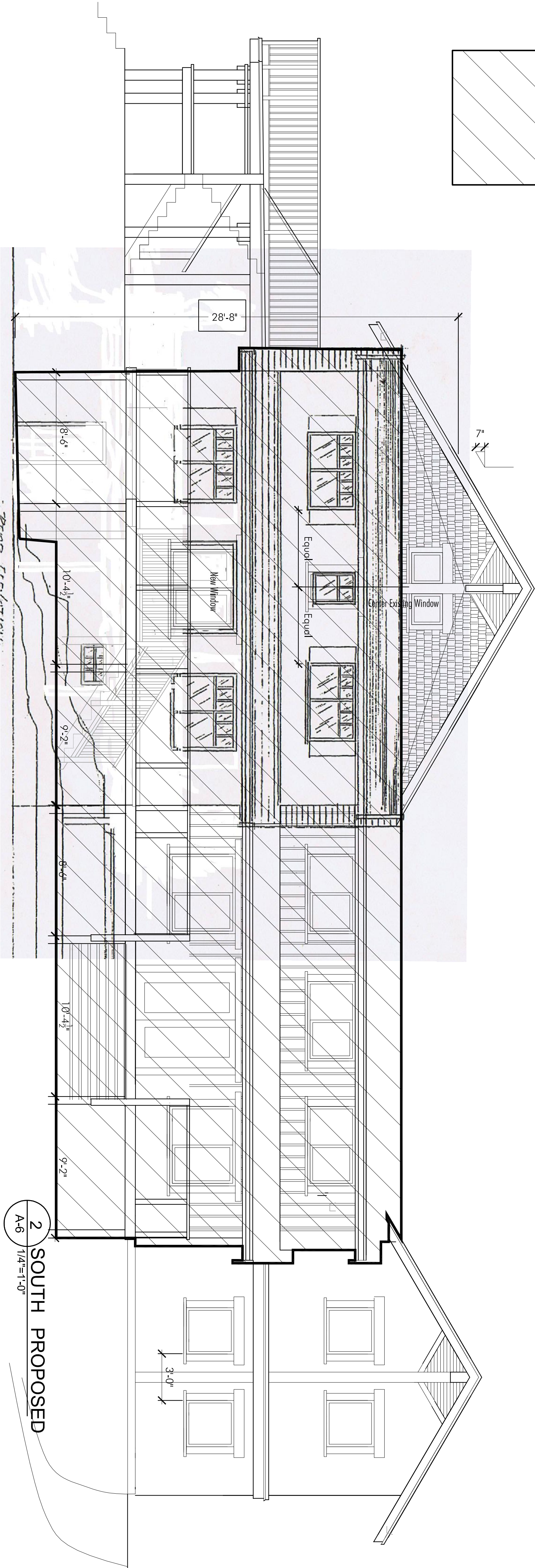
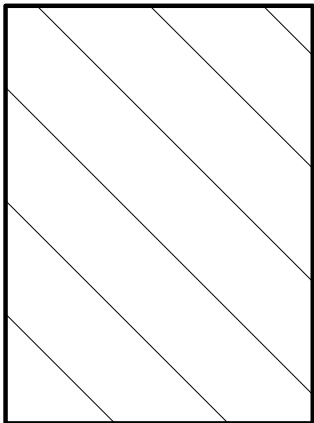
Lot 2 Plan 3379
DRAWN BY: KJH
PROJECT : 07-13
FILE:
ISSUE DATE
Drawing Issued 9/16/16

Proposed
Elevations

A-6

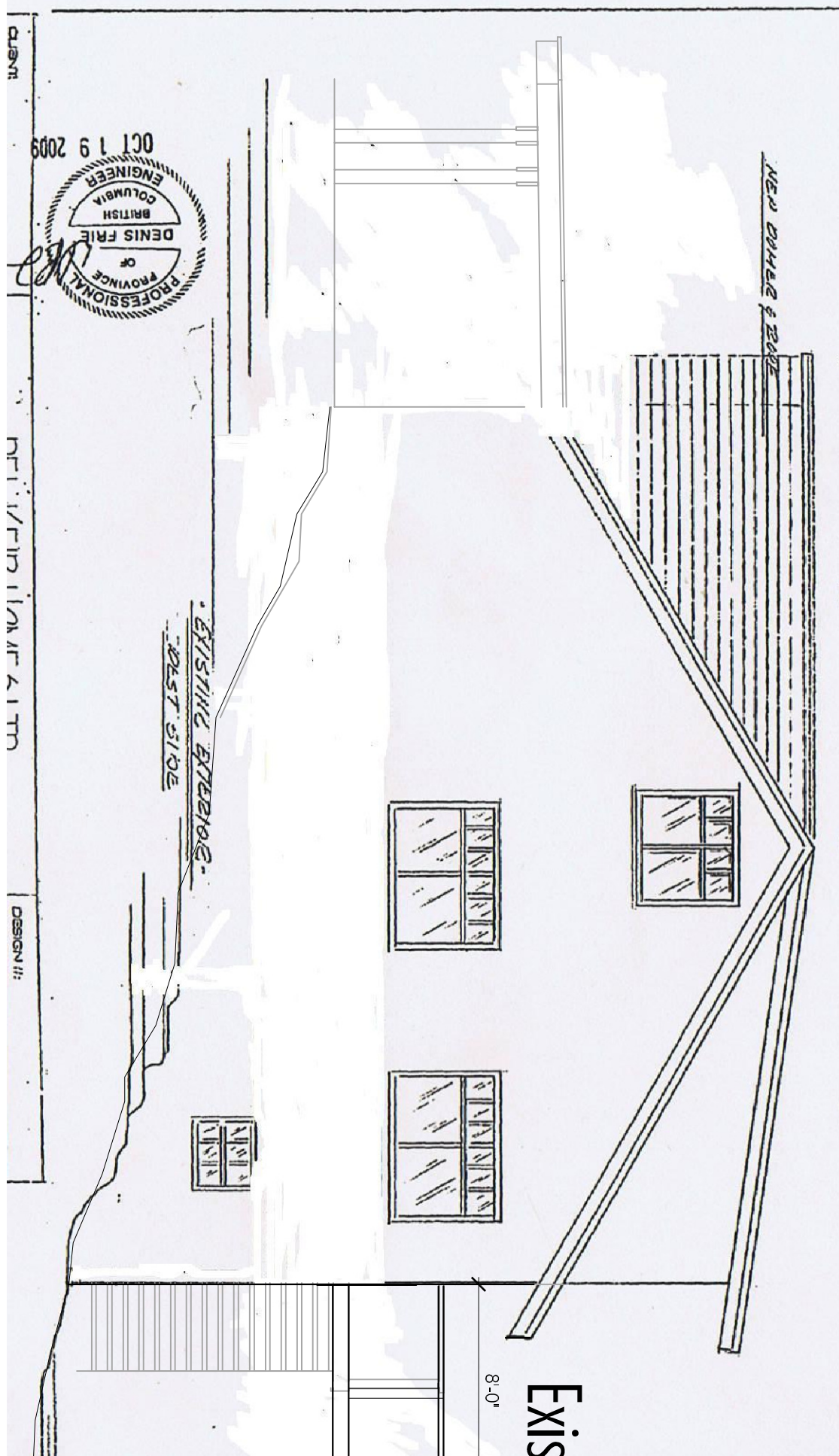


Hatched Area Existing

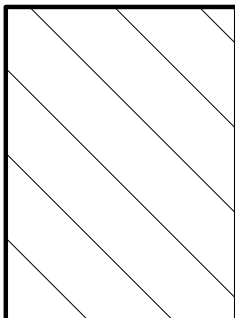
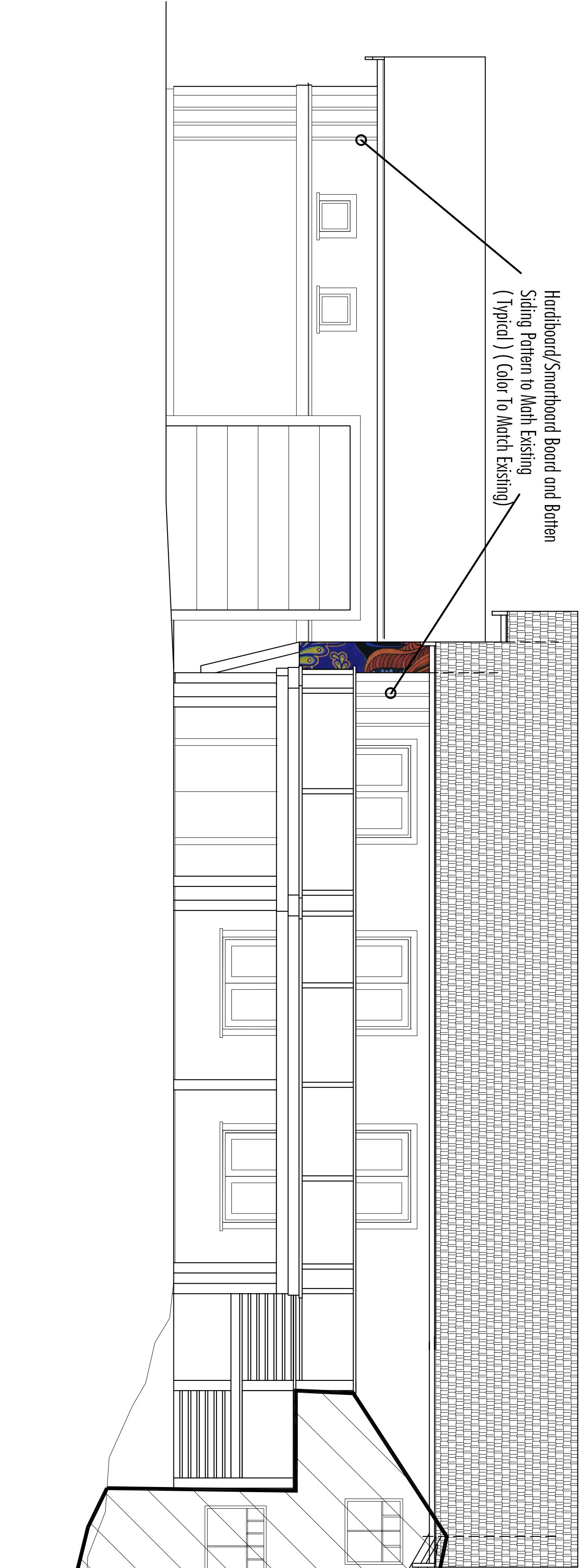




Asphalt Shingle to Match East
Roof and Batten Siding/Trim to Match East
Window/Door/Siding Color to Match Existing
Existing Trees to Remain
Existing Hedges to Remain



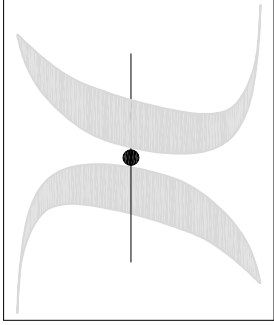
1 EXISTING EAST
A-9 1/4"=1'-0"



Hatched Area Existing

Exist. Deck And Stairs

1 SECTION
A-9 1/4"=1'-0"



K.H. DESIGNS INC.

2416 Mountains Hollow Lane
West Kelowna
B.C. V4T 3H5
250-575-0590

Vibrant
Vines

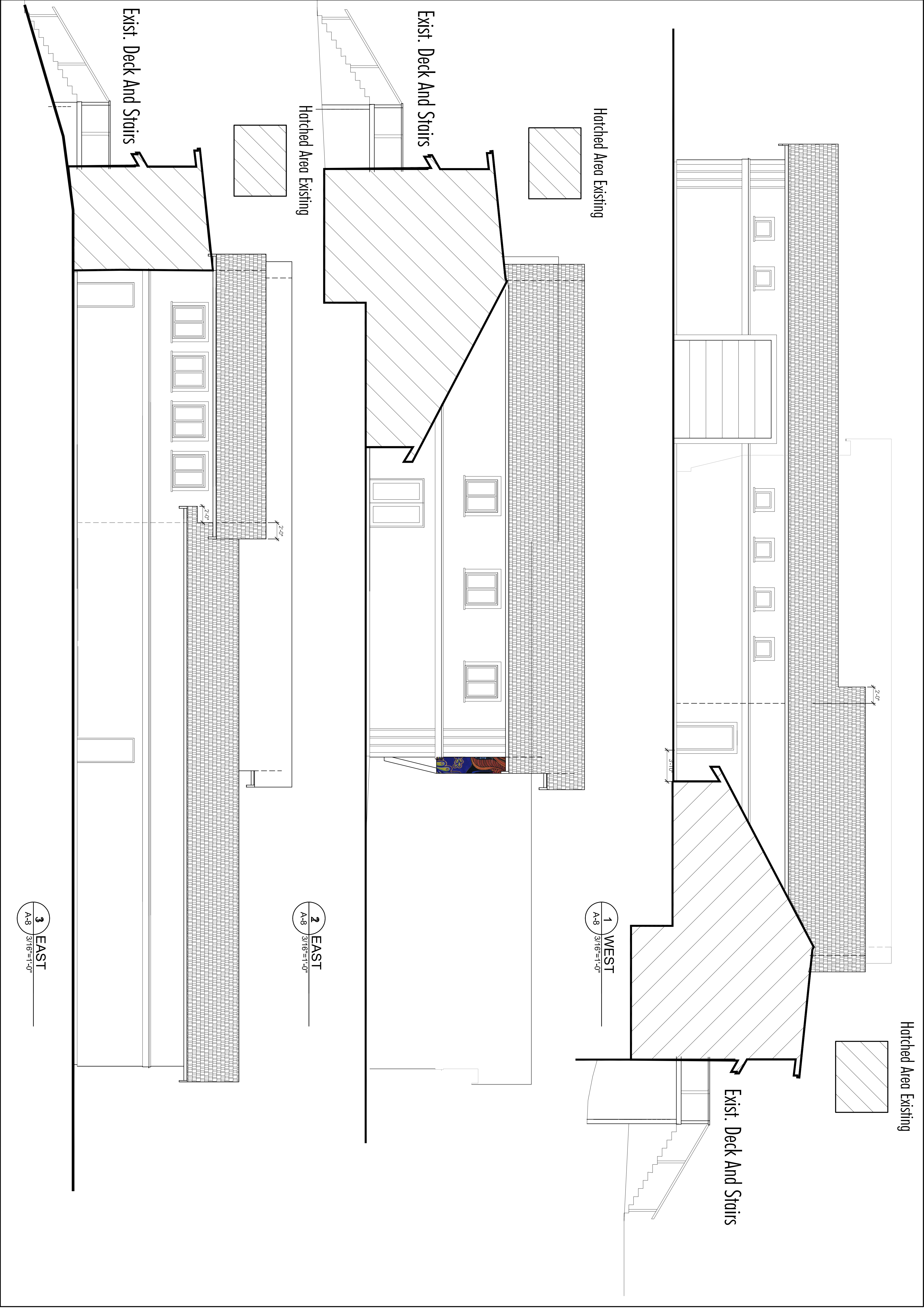
3240
Pooley Rd.
Kelowna
British Columbia

Lot 2 Plan 3379

DRAWN BY: KJH
PROJECT: 07-13
FILE:
ISSUE DATE
Drawing Issued 09/03/13

Proposed
Elevations

A-7



KH
DESIGNS INC.

2416 Mountain Hollow Lane
West Kelowna
B.C. V4T 3H5
250-575-0590

Vibrant
Vines

3240
Pooley Rd.
Kelowna
British Columbia

Lot 2 Plan 3379

DRAWN BY: KJH

PROJECT : 07-13

FILE:

ISSUE DATE

Drawing Issued 09/16/16

Proposed
Elevations

A-8

COMMITTEE REPORT



Date: March 9, 2017

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: A17-0001

Owner: Wyn Lewis
Marion Lewis

Address: 3240 Pooley Road

Applicant: Wyn Lewis

Subject: Application to the ALC for a Non-Farm Use (Commercial Events)

1.0 Purpose

To obtain approval from the Agricultural Land Commission (ALC) under Section 20(3) of the Agricultural Land Commission Act for a "non-farm use" within the Agricultural Land Reserve (ALR) to hold commercial gatherings such as music events, in excess of those permitted for wineries by the ALR Regulation.

2.0 Proposal

2.1 Background

Okanaganvilla Estate Winery was established in 2008, with 6 acres of grapes, 2 acres of apples, 2 acres for the Residential Footprint, 1 acre for the winery, and 0.5 acres of roads and parking.

- 2009 – Received a Building Permit to turn existing farm house (main floor only) to a wine shop;
- 2011 – Received a 'Winery Special Event Endorsement' liquor license supported by Council¹ for the Courtyard for theatre events;
- 2016 – Received a "Winery Lounge Endorsement" to be able to serve liquor as a lounge as a single serving, with 20% other liquor sales, in their current tasting room area (30 persons) and the existing patio (40 persons).
- Concurrent with this application – Development Permit and for an addition of the winery to include an expanded lounge, event room, storage, and washrooms.
- Concurrent with this application – Development Variance Permit for height in excess of the bylaw for the proposed winery expansion, from a height of 2 ½ stories permitted to 3 ½ stories, facing Pooley Road.

In 2016, following a consultation through the *Discussion Paper and Proposed Minister's Bylaw Standards – Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve*² the Ministry of Agriculture

¹ City of Kelowna, May 31, 2011. Minutes of Council Meeting, May 31, 2011.

² Ministry of Agriculture, Strengthening Farming Program Innovation and Adaptation Services Branch, Sept. 14, 2015. *Regulating Agri-tourism and Farm Retail Sales in the Agricultural Land Reserve*.

amended the Agricultural Land Reserve Subdivision, Use Regulation now permits wineries, cideries and distilleries to have the following commercial gatherings:

- events within a 'Winery Special Event Area (SEA)';
- events within a 'Winery Lounge' area³; and
- ten commercial gatherings per year, of 150 persons maximum, in addition to the above.

Vibrant Vine also has had live music events weekend evenings through the spring and summer in the picnic area. In 2016, the Liquor Licensing Regulations Amendments **prohibited** amplified sound in a picnic area. The Vibrant Vine will no longer have amplified sound in their picnic area for their live music events⁴.

2.2 Project Description

The application is requesting approval from the ALC for more events per season, with more guests permitted by the ALR Regulation. Specifically, the application is for the Vibrant Vine to have:

- The Wine Country Half Marathon;
- Kelowna Hospice Butterfly Release Benefit;
- Phantom of the Opera (3 times per year with 300 guests per event, within the Special Events Area);
- Shakespeare Plays (6 times per year with 200 guests per event, within the Special Events Area);
- One or two weddings per year; and
- Live music events weekend afternoons (June through September with up to 100 persons capacity) in the picnic area.

2.3 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 – 4, 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.

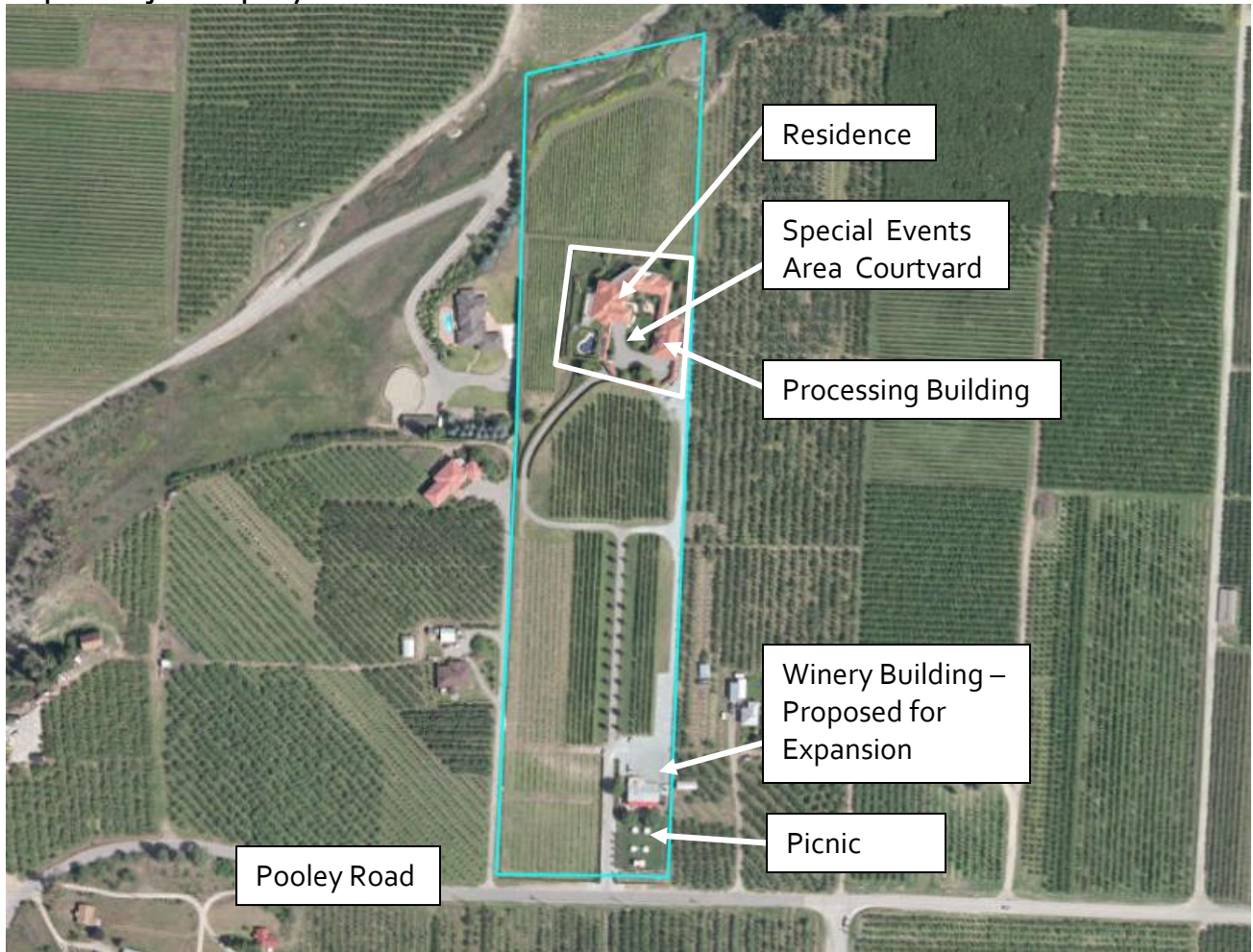
Parcel Summary – 3240 Pooley Road:

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

³ BCLaws, Feb. 28, 17. The ALR Regulation, http://www.bclaws.ca/civix/document/id/complete/statreg/171_2002#part2

⁴ W. Lewis, Mar. 1, 2017, personal communication (Email).

Map 1 - Subject Property



Map 2 – Residence and Special Events Area Courtyard

Courtyard - Special Events Area – Liquor License –
Council approved in 2011 (1175 square metres
approximately)



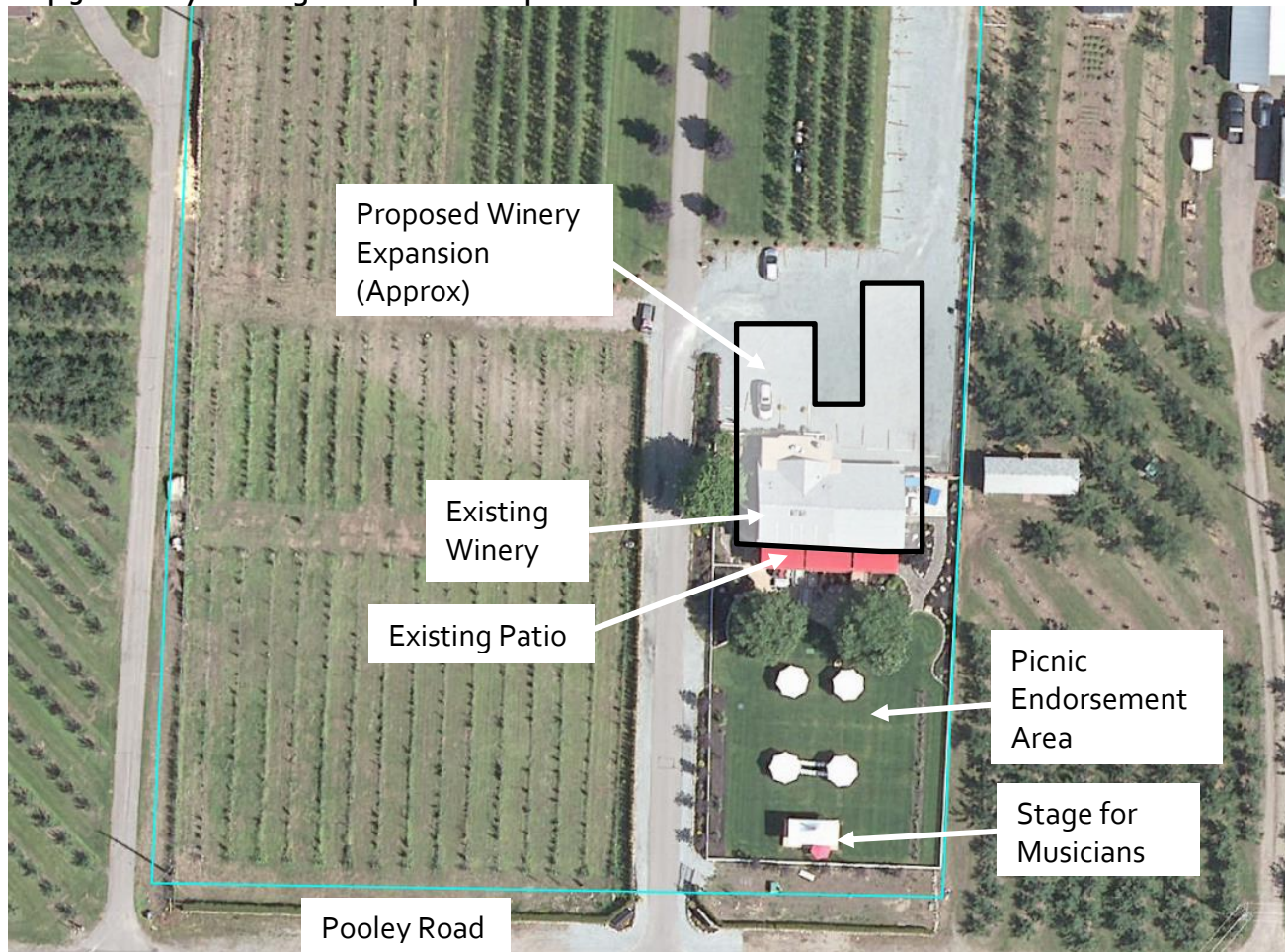
Single
Family
Dwelling

Phantom
of the
Opera –
3 per
summer

Shakespeare
Plays – 6 per
Summer

Wine
Storage
Area

Map 3 – Winery Building and Proposed Expansion



2.4 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 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)

According to ALC correspondence⁵, the farm operation also receives grapes from:

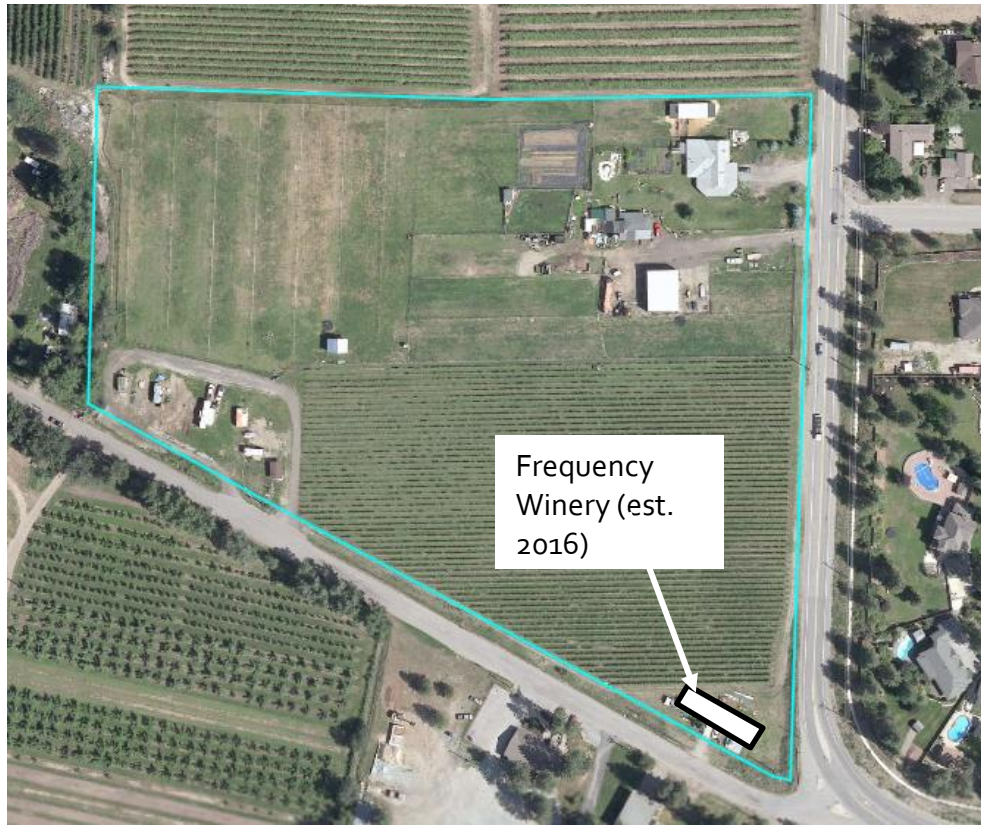
- a) 6 acres 3240 Pooley Rd, East Kelowna – **Vibrant Vine Winery**
- b) 3 acres 2775 Boucherie Rd, West Kelowna – **Beaumont Winery**
- c) 9 acres 5501 Lakeshore Rd Kelowna
- d) 3 acres 3317 McCulloch Rd, East Kelowna – **Frequency Winery**

Map 4 – Wineries and Grape Lease Farms

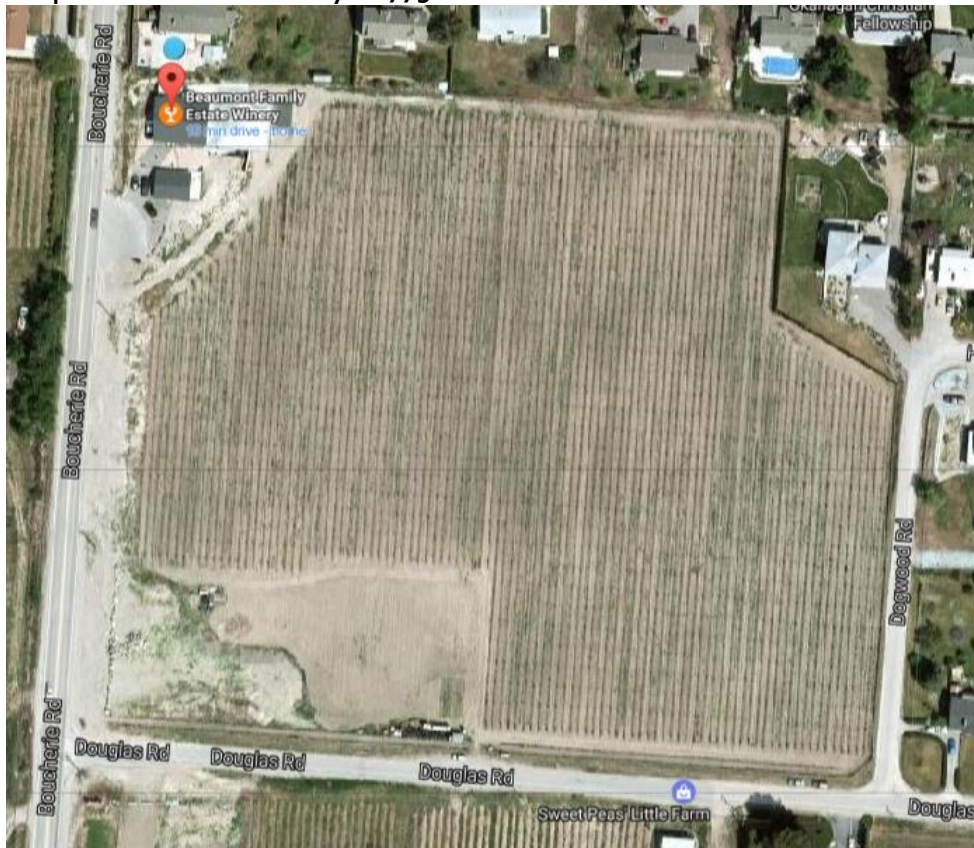


⁵ Collins, M. Jan. 23, 2017. Personal Communication (Email), ALC Director.

Map 5 – Frequency Winery – 3317 McCulloch Road



Map 6 – Beaumont Winery – 2775 Boucherie Rd



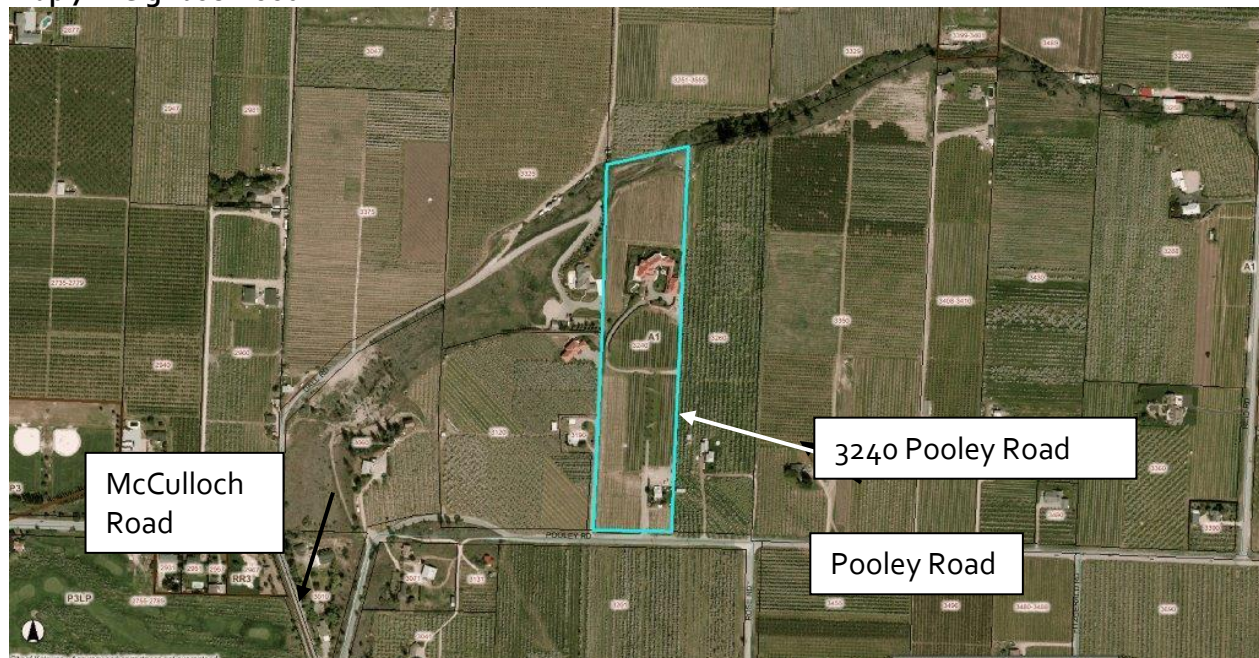
2.5 Site Context

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

Map 7- Neighbourhood



Map 8 – Agricultural Land Reserve



2.6 Agricultural Capability / Soil Types

According to the Canada Land Inventory (CLI), 88,7% of the subject property contains primarily Class 5A Agriculture Capability. Class 5A has limitations to crops based on aridity, due to either soil permeability or climate or both, and is considered improvable with the addition of irrigation. With improvements, this area can be improved to Class *3 capability, which refers to specific capability with respect to grapes and tree fruits. Class 1 to Class 3 is considered prime agricultural land and relatively rare in the Okanagan.

The north portion of the property has a similar rating, of Class 5A and Class 4A. However, this area is improvable to Class 3 with a limitation due to topography, with steeper slopes.

Rutland Soils are dominant on the property. These are gently to moderately sloping glaciofluvial deposits, which typically have 10 to 25 cm of sandy loam over gravelly loam or very gravelly sand. Drainage is rapid. Tree fruits and grapes are typically grown on Rutland soils.

3.0 Community Planning

Council and staff are seeking a recommendation from the AAC with respect to the proposed non-farm use of commercial assemblies in the ALR, in addition to those 10 per year currently permitted in the ALR, and with more guests than the 150 per event currently permitted.

The AAC should make a recommendation in accordance with City and ALC policies and regulations with respect to non-farm uses. In addition, consideration should be given to potential impacts to neighbouring farms and farming operations, including potential:

- Potential adjacency conflicts with regarding normal farm practices (e.g. spraying, bird scare cannons, noise from helicopters or machinery);
- Impacts to traffic along roads, particularly to farm machinery travel or transport of produce; and
- Noise from events; and
- and potential demands for a greater level of services and facilities should the venture become successful.

In addition, the AAC should consider potential impacts to agricultural land of allowing for commercial assemblies, over and above those currently permitted by the Ministry of Agriculture, use be repeated elsewhere in the City.

Recommendations for safeguards to ensure farming is maintained would inform Council on strategies to best protect farmland and farm operations.

Regardless of whether or not the AAC supports the application, AAC members should make recommendations in terms of limiting or mitigating undesirable impacts in the event that the ALC and City Council approve the use.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:



Todd Cashin, Suburban and Rural Planning Manager

Attachments:

Attachment A – Policies
Applicant's Package
Agricultural Land Capability Map
Soil Capability Map

SCHEDULE A - Policies



Subject: 3240 Pooley Rd – Non-Farm Use Application to ALC
(Commercial Assemblies)

4.0 Agricultural Land Commission Act and Regulation

Part 2 – Farm Uses

Section 2.4(f)

(f) gathering for an event, if the event is held only in the lounge referred to in paragraph (b) or the special event area referred to in paragraph (c) of this subsection, and, for this purpose, section 3 (4) (k) does not apply;

Part 3 – Permitted Uses

Section 3.4(k)

(k) gathering for an event, if all of the following conditions are met:

- (i) the farm must be located on land classified as a farm under the [Assessment Act](#);
- (ii) permanent facilities must not be constructed or erected in connection with the event;
- (iii) parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;
- (iv) no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;
- (v) the event must be of no more than 24 hours duration;
- (vi) no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.

4.1 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

4.2 Gathering for an Event in the Agricultural Land Reserve - ALC Policy L-22 October 2016

This means wineries, cideries, meaderies, breweries and distilleries may host an unlimited number of events in their lounge area and an additional 10 events as per section 3(4)(k) held outside the lounge area.

Local governments have the authority to regulate events with regard to structures and building occupancy (including determining if an existing farm building is appropriate for a gathering or requires upgrades for

public assembly), parking, lighting, hours of operation, health and safety, noise, access for police, fire and emergency vehicles, etc. Local governments have the authority to require permits for events.

5.0 Kelowna Official Community Plan (OCP)

Future Land Use⁶

With respect to lands outside the Permanent Growth Boundary, Chapter 4 of the OCP states:

- Lands outside the permanent growth boundary will not be supported for urban uses.

Farm Protection Development Permit Guidelines⁷

Farm Protection Development Permit Guidelines include:

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

The subject property has a future land use designation of Resource Protection Area and relevant policies are included below:

Objective 5.33 Protect and enhance local agriculture⁸.

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 .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Objective 5.34 Preserve productive agricultural land⁹.

5.1 City of Kelowna Agriculture Plan

ALR Application Criteria¹⁰

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

⁶ City of Kelowna Official Community Plan, Chapter 4.7 (Future Land Use).

⁷ City of Kelowna Official Community Plan, Chapter 15.2 (Farm Protection DP Guidelines).

⁸ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

⁹ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

¹⁰ City of Kelowna Agriculture Plan (1998); p. 130.

I purchased the 11 acre orchard property at 3240 Poley Rd in 2003. In 2008, my wife Marion, our son Tony, and I planted 9,000 Pinot Gris vines. In 2009 we planted Riesling, Savignon Blanc, Chardonnay and Gewurztraminer over 6 acres. In 2016 we doubled the density of our Riesling vines. All but the Gewurztraminer were extremely successful (the land where we planted the Gewurztraminer was a frost pocket and we have been unable to grow anything there. Its fallow now as we try and decide what to do with it.) We also have just over two acres of apples which we use for manufacturing Cider under our Cahoots brand.

In 2010, we received a manufacturing Licence under the Okanaganvilla Estate Winery name and opened a winery store selling OkanaganVilla and Vibrant Vine brands in the 1937 heritage building selling approx 500 cases of wine. We spent a great deal of care re engineering the building to meet current standards while keeping to the heritage of the building both on the outside and inside.

In 2014, our winery won a prestigious award in Europe and our business grew exponentially such that in 2016 we sold approx 6,000 cases, half via our tasting room/ on-site retail area and the remainder through LRS stores and our Wine Club.

In 2016, we processed 65 tons of white grapes from our owned vineyards and from our leased contract growers. As in prior years, in 2017 we to maintain our winerys Farm status as outlined in Part 2 Section 2 (2)(a) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. We are in discussions to purchase a 12 acre property which will allow us to expand production and maintain our Farm status in the future as our business grows.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

*6 acres of Apples were replaced with vines in 2008/9.
these vines were converted to high density vines in 2016*

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

OkanaganVilla Estate Winery is located on the property.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: Apples

East

Land Use Type: Agricultural/Farm
Specify Activity: Apples

South

Land Use Type: Agricultural/Farm
Specify Activity: Apples

West

Land Use Type: Agricultural/Farm
Specify Activity: Apples

Proposal

1. How many hectares are proposed for non-farm use?

0.5 ha

2. What is the purpose of the proposal?

To apply for "Non Farm Use" for two proposed activities
. Please see attached file " Background of Proposal"

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

As we increasingly compete on the World Stage, our overseas wine touring visitors (approx 30 % of our summer 2016 guests) expect us to offer an experience that is tied to the Terroir of the wine we produce-the ALR land upon which our grapes are grown.

The majority of our guests do not see our product as a commodity. They have travelled to the winery to see the vines and touch the vinyard soil that created the wine that won The Best White Wine in The World in 2014 -a wine they love so much. It is the combination of the vineyard soil, aspect and local climate that defines our Terroir and it is absolutely unique. Our premium aromatic wines cannot be replicated elsewhere in the world- just as a Burgundy Pinot Noir is unique.

Our Phantom shows (after which our premium red wine is named) are a key part of our strategy to attract visitors from out side the Okanagan. They absolutely love the open air ambiance of the shows held within the winery courtyard on a warm summer evening. The majority of our guests are Vibrant Vine Wine Club Members from outside Kelowna who enjoy the onsite social interaction with the Winery Staff and Owners. These guests very much look forward to these evenings walking in the gardens of our home with a glass of wine and touring the winery and vineyards with our winemakers and staff. And, just as with Mission Hill Winery and Cedar Creek Winery, the ability to access tickets for our shows is a major attraction of membership in our Wine Club.

In summary,the proposed activites are intimately tied to, and dependent upon the specific property upon which they take place. The land, and specifically the Terroir of the Winery, is the key to the attraction of these events. Moving these events to land outside the ALR would destroy their primary raison detre.

4. Does the proposal support agriculture in the short or long term? Please explain.

Our winery has achieved significant success (winning "The Best White Wine in The World" in The World Wine Competition in Geneva ,Switzerland in 2013) and has been rated the #1 Winery Experience in BC (out of 214 wineries rated) by Trip Advisor in 2013, 2014, 2015 and 2016. A large part of our popularity comes from the reviews written by visitors to our property either to visit the Tasting Room/Winery or to attend the evening events referred to above. Over a third of the attendees to these events come to Kelowna from outside the Okanagan and plan their trip to Kelowna around the dates of our events.

We employ 31 staff during the Summer months that we are open and contribute approximately \$2 Million to the local economy.

All our wines are VQA wines and as such all the grapes used come from our farm vinyards and from five other local vineyards with whom we have long term lease agreements. We purchase over \$750,000 of farm products each year from these vineyards and therefore support another 20 or so people engaged in Farming in the Okanagan.

In summary, the activities of the winery provide significant financial support to local agriculture in the short term, by providing opportunities for local employment and continuing contracts with local farmers.

In the long term, the winery activities bring international recognition to the Terroir of the Okanagan. This increasing recognition is driving increased awareness of the value of agricultural land in the area, and providing support for the long term sustainability of Agriculture in the Region.

Applicant Attachments

- Proposal Sketch - 56125
- Professional Report - Background of
- Certificate of Title - 440-300-000

ALC Attachments

None.

Decisions

None.

BACKGROUND of PROPOSAL

For several years we have hosted several gatherings at The Vibrant Vine Winery some of which we now believe require review by the ALC.

1)The Wine Country Half Marathon, one of a series of interational half marathons held around the world, begins each year at The Vibrant Vine and ends at Waterfront Park in Kelowna.This is the only race held in Canada.

2)The Kelowna Hospice Butterfly Release is held each year on the driveway of the Vibrant Vine.

3) For several years we have performed Shakespeare Plays and Phantom of The Opera in front of about 200 guests up to ten times a year in the summer within the courtyard of our home on the property. The performances are very popular locally and usually sell out in a day. The performers come from the UK (Phantom) and Canada (Shakespeare)

4) We have also entertained our picnic area guests on weekend afternoons from 2pm to 4pm with local performers. We have never had any complaints from our neighbors (many of whom bring visitors to picnic in our picnic area) Our picnic guests usually spend about an hour with us before moving on to the next winery to continue their wine tour of the East Kelowna wineries.

5) Finally, we have hosted one wedding ceremony per year in the garden of our home for the last five years. The ceremony and champagne toast, held in the afternoon, lasts for one or two hours, after which the 100 or so guests leave for the reception elsewhere. We have never had any complaints about noise etc since the music is usually a violin/cello playing for 15 mins or so.

The five couples who have been married on our property have all come back each year on their anniversary to meet with us and to enjoy some wine as friends in our home.

SPECIFIC REQUESTS

We request the following two activities be considered appropriate "non Farm Use" activities:

1) We wish to host the annual Butterfly Release event on our property during one afternoon in August. This is a fundraising event for the Kelowna Hospice for which we receive no compensation. No alcohol is served and the event takes place on our driveway which is not included in the redlined area of our Special Event License. The event lasts two hours and usually about 500 people take part. (The butterflies represent the "departing souls" of friends and relatives who spent their final days in the Hospice.) It is a quite emotional experience and we are honoured to host the event on the grounds of our home.

2) We wish to once again host the start of the "Wine Country Half Marathon" race in September. As described on the "Destination Races" US web site..

"The Wine Country Half Marathon was born in 2004 when over 1,000 participants ran from the vineyards in southern Napa through the Carneros wine appellation into Sonoma. Spectators cheered runners as they made their way down Broadway and across the finish line in front of City Hall in Sonoma Plaza. Runners then united with friends, family and other runners as they sampled wines cultivated from those same vineyards they passed along the scenic 13.1 mile route. The post-race Wine & Music Festival became a celebration of life, an opportunity for people to meet, relax and reflect. This run, sip and explore concept took hold, and today, Destination Races produces a series of boutique-style events hosted by renowned wine regions and revered by thousands of runners and wine enthusiasts from all over the world."

The Kelowna half marathon is the only race of its type in Canada and we are extremely proud of the international exposure the race brings to the Okanagan. All of the 1,000+ runners, (many of whom are international visitors) are bused up to The Vibrant Vine from hotels all over Kelowna for the 7 am race start. These buses unload the runners and then drive directly to the end of the race at Waterfront Park to take the runners back to their hotels after the race ends at about 9am at the Park. There is no onsite or off road parking at our location. The runners arrive at approx 6.30 am and are on the property for about 30 mins before departing. Approx 50 Port-a-Potties are set up the night before and are removed from the property by 10 am.

INFORMATION ON OTHER ACTIVITIES

The four activities listed below all take place within the redlined areas of our Winery's Special Events Endorsement and therefore we interpret these as complying with The Agricultural Land Reserve Use, Subdivision and Procedure Regulation Part 2 Section 2(4) (f) (which defines events held within a Winery's Special Events Endorsement Area as being "Farm activities" which do not require a "Non Farm Use" application. We have submitted a request to the ALC to confirm that our interpretation is correct and are listing the four events below in the interests of full disclosure.

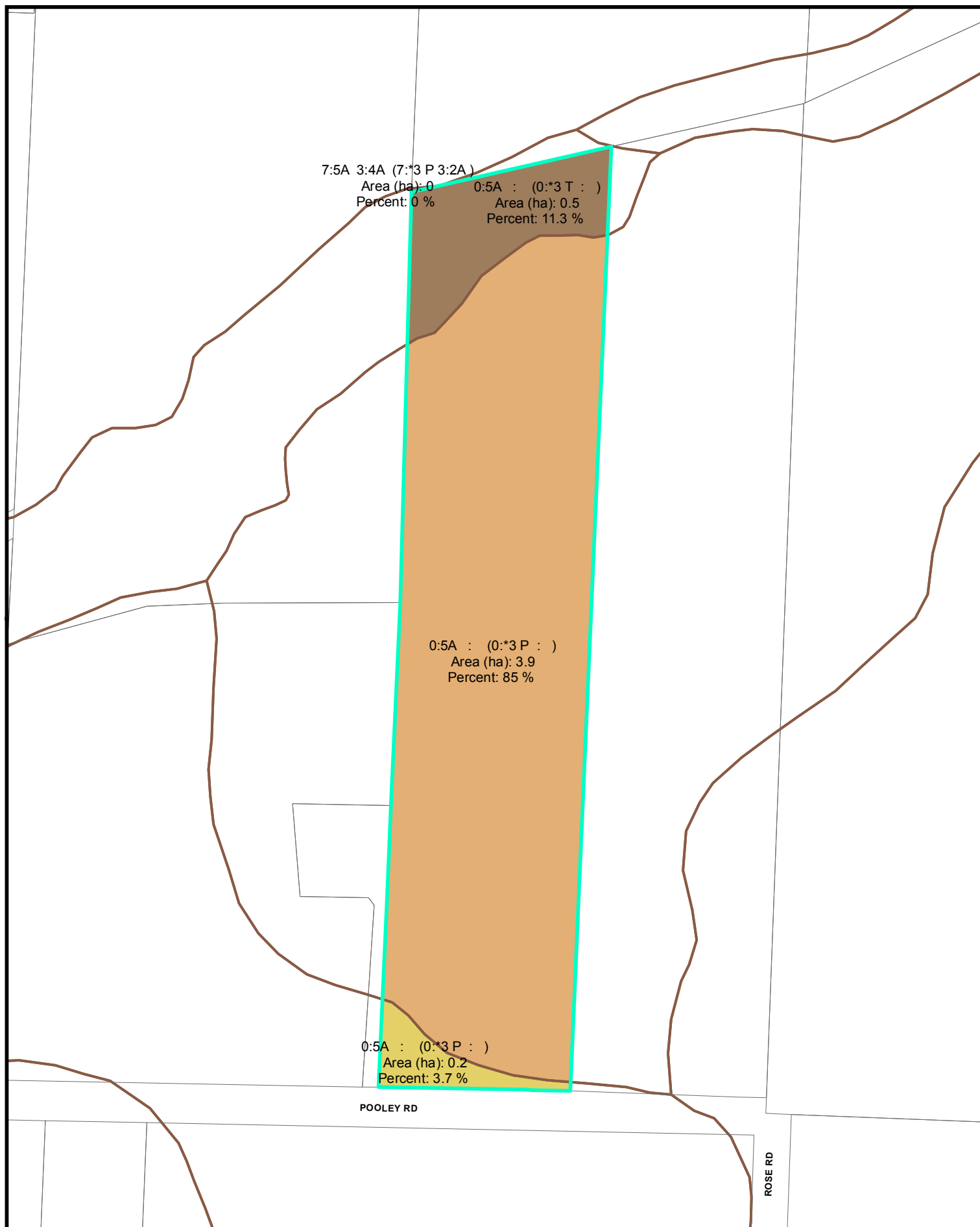
1) We wish to continue to produce three evening (7pm to 9.30pm) shows in late August each year of Phantom of The Opera (A musical Play) within the courtyard of our home with a maximum attendance of 300 guests with on site parking. While we have cancelled the Shakespeare productions for 2017 because of the uncertainty surrounding our initial Non Farm Use Approval Application, we are committed to the three Phantom shows because of the contractual arrangements which were made over one year in advance.

2) We wish to produce six evening (6pm to 9.30pm) performances in August 2018 of a Shakespearian play with a maximum attendance of 200 guests with on site parking.

3) We wish to continue with entertaining our picnic guests with live performances by 1-3 artists from 2pm to 4pm each Sat from June to Sept as we have done for the last five years. These afternoons on the picnic lawn draw about 50-100 guests and have become a very popular activity for local families who spread out on the lawn between our vines and apple trees enjoying a relaxing glass of wine with friends.

4) We have one wedding booked for 2017, where all the arrangements (guest invites etc) have been made, and we would like to continue with hosting one or two wedding ceremonies per year in the future. These ceremonies last an hour or two and are held in the garden of our home. Most of the guests arrive by bus from their hotel and return to the hotel for the Reception immediately after the ceremony and Champagne Toasts.

Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green



COMMITTEE REPORT



Date: March 9, 2017

RIM No. 1210-21

To: Agricultural Advisory Committee (AAC)

From: Community Planning Department (MS)

Application: Z17-0010 **Owner:** Carmen Langstaff
Dana Johnson

Address: 5555 Lakeshore Rd **Applicant:** Bear Land Development Services Ltd.

Subject: Rezone from A1c Agriculture 1 with Carriage House to RR1c – Rural Residential 1 with Carriage House to facilitate a 2 lot subdivision

1.0 Purpose

The applicant is requesting permission from Council to rezone the subject property from A1 – Agriculture 1 to RR1c, to facilitate a two lot subdivision to create two rural residential lots, both with carriage houses.

2.0 City of Kelowna Policy

In January of this year, Council added the following objective to the set of their objectives:

‘Protect Agricultural Land’

In addition, the City of Kelowna Agriculture Plan, Strategic Plans and Official Community Plan has overlapping policies that direct growth inside the Permanent Growth Boundary, stipulate non-support of subdivision outside the PGB, and protect farm land with respect to reducing density and potential sources of conflicts adjacent agricultural land.

The proposed subdivision does not comply with the following policies:

OCP Chapter 1: Contain Urban Growth¹. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

OCP Chapter 4: Future Land Use

Permanent Growth Boundary (PGB) .Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization².

Focus development to designated growth areas³

¹ City of Kelowna, 2012. OCP Chapter 1 – Introduction.

² City of Kelowna, 2012. Official Community Plan – Chapter 4, Permanent Growth Boundary

³ City of Kelowna, 2012. Official Community Plan – Chapter 5, Objective 5.3

Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

Protect and enhance local agriculture⁴

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 .8 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

OCP Chapter 15: Farm Protection DP Guidelines⁵

Objectives and Guidelines

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

Guidelines

On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations.

- Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands.

1.2 Agriculture Plan (1998)

Transportation Policies

- New Growth Areas. Discourage the establishment of new growth areas within or beyond agricultural areas that create additional traffic pressure on the local rural road network.

Urban-Rural/Agricultural Boundary Policies

Farmland Preservation. Direct urban uses to land within the urban portion of the defined urban – rural / agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

Isolated Development. In general, not support extensions to existing development or new development isolated within agricultural areas, regardless of ALR status.

Both City of Kelowna Official Community Plan and the Agriculture Plan⁶ do not support subdivision outside the Permanent Growth Boundary, including those outside of the Agricultural Land Reserve. The reasons for non-support of subdivision outside the Permanent Growth Boundary include:

The proposed zoning for each of the proposed parcels is RR1c. This would result in the current number of dwellings adjacent the neighbouring vineyard from two dwellings to four dwellings.

⁴ City of Kelowna, 2012. Official Community Plan – Chapter 5, Objective 5.33

⁵ City of Kelowna, 2012. Official Community Plan – Chapter 15 – Farm Protection Development Guidelines

⁶ City of Kelowna, 1998. Agriculture Plan

Staff has received correspondence from the owners of the neighbouring vineyard, who have expressed concerns over potential conflicts and complaints from their normal farm practices should additional dwellings through a subdivision be permitted. Their concerns include potential complaints about normal farm practices including:

- Machinery noise (e.g. early morning)
- Spray drift
- Bird scare cannons

Furthermore, the proposed house location is to the southeast corner, closest to the adjacent vineyard. While this location affords the best views, it is also the location that is closest and most vulnerable to normal farm practices.

3.0 Proposal

3.1 Project Description

The applicant is requesting permission to rezone the property from A1c – Agriculture 1 with Carriage House to RR1c – Rural Residential with Carriage House, to facilitate a two lot subdivision. The applicant proposes to subdivide the existing 3.1 ha (7.6 ac) parcel into a 2.1 hectare (5.1 acres) lot and a 1.0 hectare (2.5 acres) lot. An existing easement that provides access to the 125 acre lot to the south is the proposed boundary for the lot split.

The property currently has a water license with an easement over another Lakeshore Road property. There is also a second water license in the same location that is conditional upon being operational by December, 2017. The applicant is proposing to consolidate the two licenses into one intake.

Sewer is not available to the property based on the municipal system. The proposed size of the second lot is 1 ha (2.5 acres), which is the minimum size permitted by Interior Health for a septic system.

The applicant wishes to apply for an exemption from the Hazardous Condition Development Permit and the Natural Areas Development Permit (see Applicant Package, p. 10, attached).

3.2 Background

The site is split by an existing road access easement through the site, which provides access to the 125 acres property located above the site to the south. All of the existing structures and most of the trees were lost during the Okanagan Park Wildfire in 2003.

The lower portion of the property below the access easement has been rebuilt with a single family residence, a carriage home, an accessory building/garage, a small personal garden, chicken coop, and hobby vineyard of 75 plants located on fill which was imported. The remainder of the site above the access easement is completely open and consists of exposed bedrock, up to 4cm of surface moss or dirt and limited vegetation. The proposed second building site location above the access easement at the upper end of the property.

3.3 Site Context

This subject property is located in South Okanagan Mission, on the high side of Lakeshore Road, just south of Cedar Creek and Martins Lane wineries. The parcel is not in the ALR, but the ALR is immediately adjacent to the east and south.

The property lies within the following Development Permit Areas:

- Farm Protection DP Area
- Natural Environment/ Hazardous Areas DP Area
- Wildland Fire Hazard DP Area

Parcel Summary:

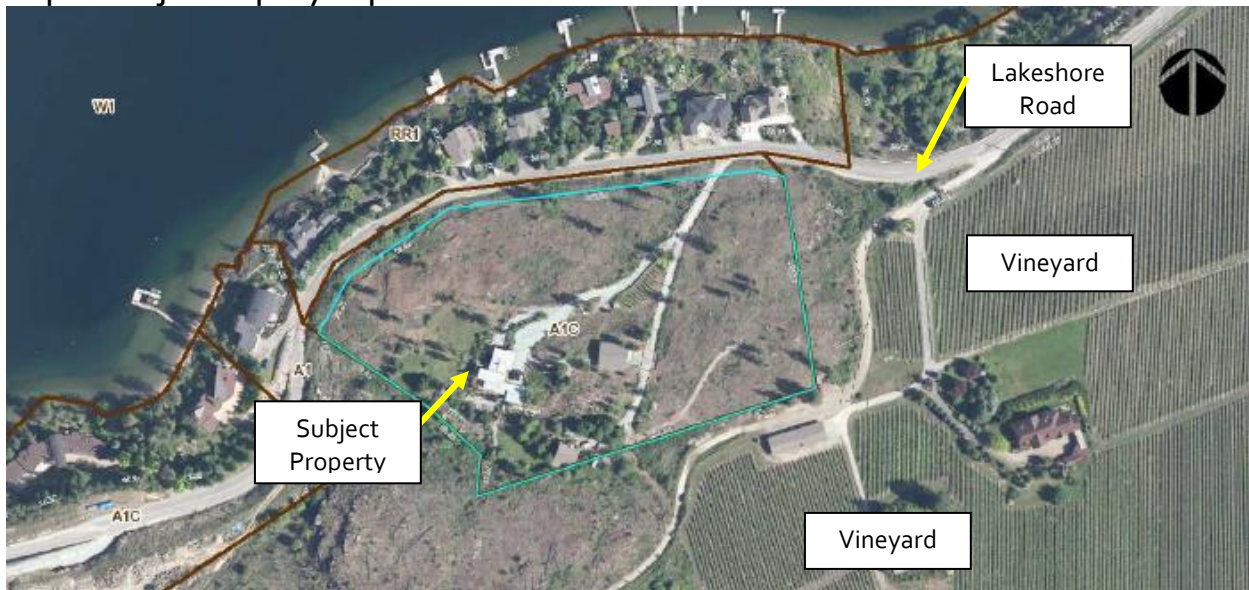
Parcel Size: 3.1 ha (7.6 ac).parcel
Elevation: 360 masl –397 masl

The zoning of adjacency properties is outlined in the table below.

Table 1: Zoning of Adjacent Property

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RR1 – Rural Residential 1	Rural Residential
East	A1 – Agriculture 1	Vineyard
South	A1 – Agriculture 1	Vineyard
West	A1 – Agriculture 1	Rural Residential / Agriculture

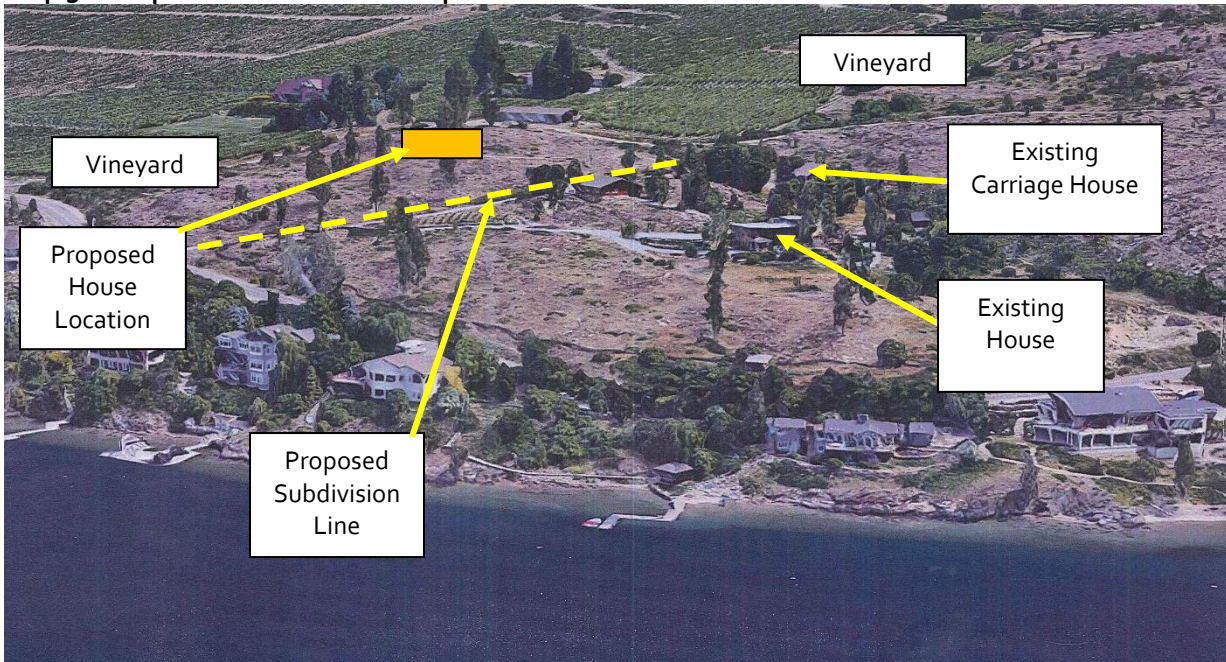
Map 1 – Subject Property Map



Map 2 – Proposed Subdivision Perspective View 1



Map 3 – Proposed Subdivision Perspective View 1



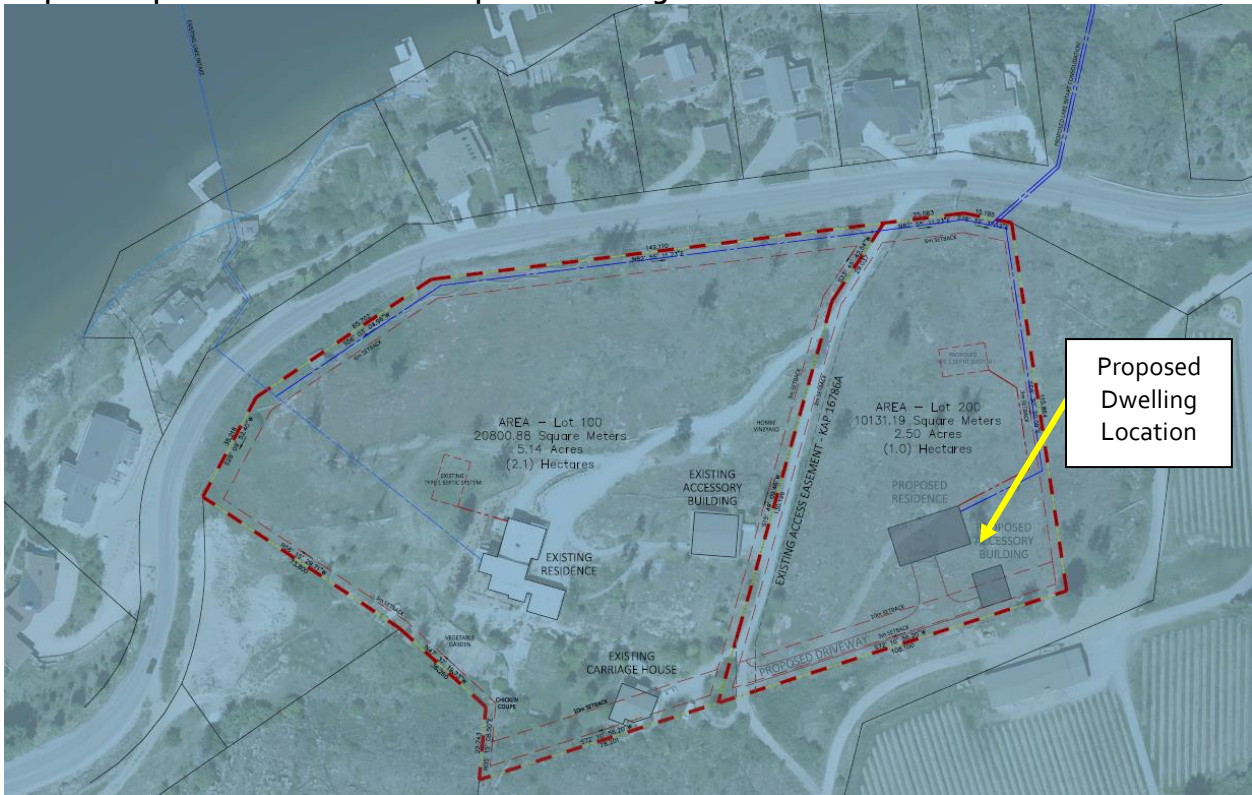
Map 4 – Current Lot



Map 5 – Proposed RR1c Zone and Subdivision



Map 6 – Proposed RR1c Zone and Proposed Dwelling Location



3.4 Subdivision and Development Criteria

Subdivision and development criteria for the RR1c – Rural Residential 1 with Carriage House zone include the following:

CRITERIA	RR1c (Rural Residential) ZONE REQUIREMENTS
Subdivision Regulations	
Minimum Lot Area	1.0 hectare
Minimum Lot Width	40.0 m
Minimum Lot Depth	30.0 m
Minimum Front Yard	6.0 m
Minimum Side Yard	3.0 m except it is 4.0 m from a flanking street
Minimum Rear Yard	10.0 m except it is 3.0 m for accessory buildings
Maximum Site Coverage	10% for residential development (inclusive of agri-tourist accommodation) and 50% for greenhouses and plant nurseries

4.0 Community Planning

The City's Agriculture Plan and OCP do not support subdivision outside of the Permanent Growth Boundary, including those parcels not in the ALR. In addition, the AAC should consider this subdivision with respect to the area's future land use designation, which is a Resource Protection Area.

Therefore, the AAC should consider the proposal in context of City policies with regard to subdivision outside the Permanent Growth Boundary, potential impacts to and from the neighbouring farming operations, and mitigation measures should the rezoning and subdivision be approved by Council.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:



Todd Cashin, Manager, Environment & Land Use

Attachment:

Applicant's Package

SCHEDULE A - Policies



Subject: 5555 Lakeshore Road

4.1 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria⁷

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

1.1 City of Kelowna Strategic Plan

Objective⁸: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective⁹: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

1.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area¹⁰

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth boundary¹¹

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary¹². Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more

⁷ City of Kelowna Agriculture Plan. 1998. P. 130.

⁸ City of Kelowna Strategic Plan. 2004. P. 7.

⁹ City of Kelowna Strategic Plan. 2004. P. 29.

¹⁰ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

¹¹ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

intensive uses **only** to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture¹³.

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 .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

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.

1.4 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

¹² City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

¹³ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

Bear Land Development Services Ltd.

4117 HUGHES ROAD
KELOWNA, BC V1W 4S3



OCP Amendment and Rezoning Summary - 5555 Lakeshore Road

Date

September 9, 2016

Services Performed By:

Bear Land Development Services Ltd.
4117 HUGHES ROAD
KELOWNA, BC V1W 4S3

Services Performed For:

5555 Lakeshore Road
Carmen Langstaff and Dana Johnson

City of Kelowna

Community Planning

1435 Water Street

Kelowna, BC V1Y 1J4

Attention: Mayor & Council, Planning Staff, and Approving Officer

Re: OCP Amendment and Rezoning Application – 5555 Lakeshore Road

Background

The applicants, Carmen Langstaff and Dana Johnson, have been in preliminary discussions with City Staff regarding the proposed large lot subdivision at 5555 Lakeshore Road in the South Okanagan Mission area. The applicant wish to subdivide a 3.1 hectare (7.6 acres) parcel into two (2) large acreage lots and requires an OCP Amendment and Rezoning prior to subdivision. An application for OCP Amendment and Rezoning has been included with this summary report. The applicant intends to submit application for subdivision following rezoning approval. A Preliminary Layout Plan (PLR) and Site Servicing Plan have been included as background information in support of the rezoning application. The two lot subdivision consists of a 2.1 hectare (5.1 acres) lot and a 1.0 hectare (2.5 acres) lot.

The subject property is currently zoned Agriculture A1c, and is NOT located within the ALC land reserve. The proposed two lot subdivision plan requires that the parcel be rezoned from Agriculture (A1c) to Rural Residential 1 (RR1c), that includes a Carriage House. The purpose of the Rural Residential 1 zone is to provide for country residential development, and complementary uses, on larger lots in areas of high natural amenity and limited urban services. The property is well suited for the proposed zone, as noted in the following sections.

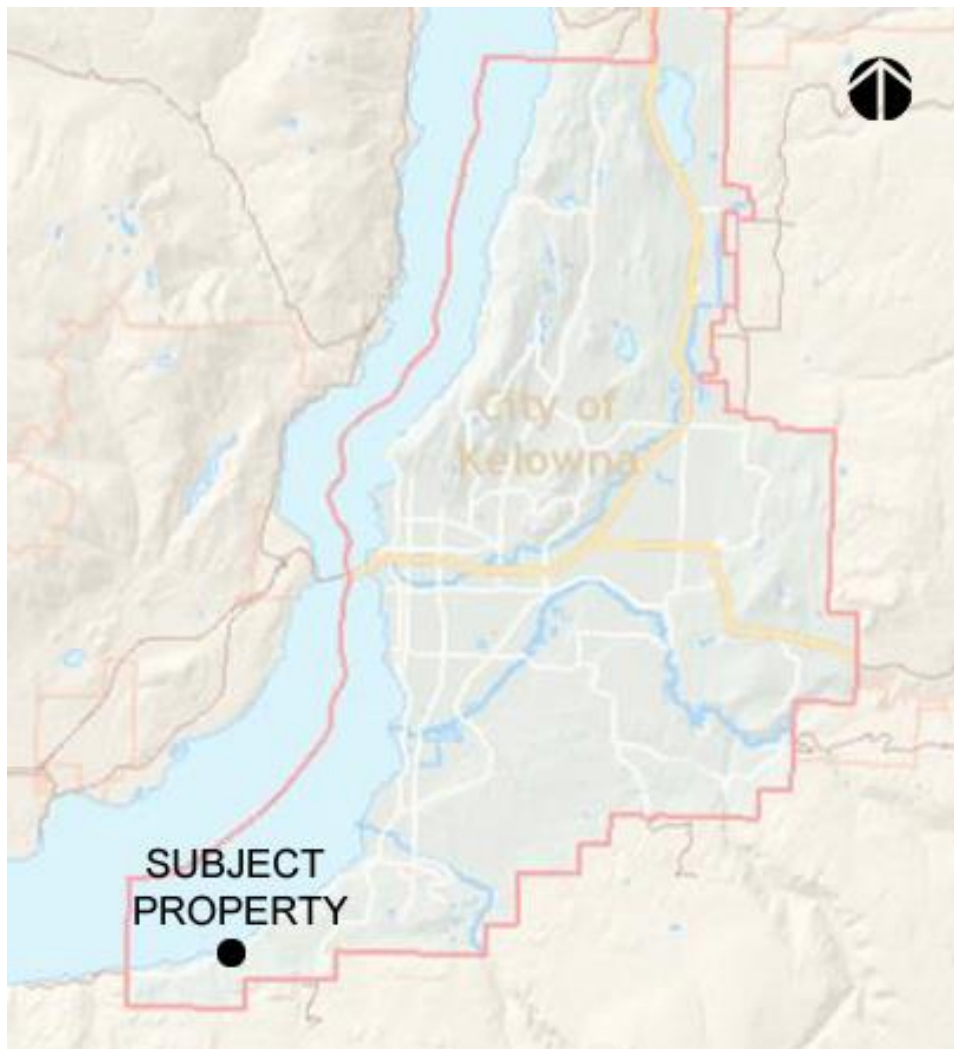
The proposed two lot subdivision satisfies the regulations under the proposed RR1c zone in terms of uses, structures, subdivision and development. The proposed RR1 zone could allow for a three (3) lot subdivision. However, the applicant is not interested in maximizing density or maximizing development potential. The property owner's key objectives and primary reasons for rezoning and subdivision of their property have been summarized below:

1. **The site is currently divided by an existing access easement that runs through the middle of the site. This access road has effectively split the property into two parcels. The subdivision is just a formalization of what is already a pre-condition;**
2. **The site is not suited for A1 uses, it is better suited for RR1 uses.** There is a long list of factors that support the rezoning, as outlined in detail below;
3. This is a legacy property with family history, the Owners have emotional attachment and wish to remain on property in perpetuity. However, the size and maintenance of the property grounds has become far more than the owners can handle on their own;
4. The Owner's intension is to have a lower maintenance home on the upper lot, with a carriage home for live in care giver. The new home site is shown on the PLR plan provided.

Site Location & Context

This subject property is located in South Okanagan Mission, on the high side of Lakeshore Road, just south of Cedar Creek and Martins Lane wineries. The property slopes uphill from Lakeshore Road which provides amazing views up and down the valley and the Okanagan Lake. The onsite topographic and natural features provide a truly exceptional residential opportunity for a second country style residence. The site is split by an existing road access easement through the site, which provides access to the 125 acres property located above the site to the south. All of the existing structures and most of the trees were lost during the Okanagan Park Wildfire in 2003.

The lower portion of the property below the access easement has been rebuilt with a single family residence, a carriage home, an accessory building/garage, a small personal garden, chicken coop, and hobby vineyard of 75 plants located on fill which was imported. The remainder of the site above the access easement is completely open and consists of exposed bedrock, up to 4cm of surface moss or dirt and limited vegetation, which does not support any intensive agricultural uses. The upper portion of the site boast panoramic lake, mountain and vineyard views. There are a few shade trees that the applicant hopes to protect and maintain. The proposed second building site location above the access easement at the upper end of the property. This is the ultimate location for the applicants to build their dream home where they hope to retire and enjoy the Okanagan lifestyle we have all grown to love.



Subject Property Location – City of Kelowna, South Okanagan Mission Area



Subject Property – 5555 Lakeshore Road

The properties located across the street, below Lakeshore Road along the waterfront, are zoned RR1. The majority of the lots are less than half an acre in size and include single family homes and accessory buildings. The existing RR1 zoning across Lakeshore Road complements the proposed zoning for the subject property. The lot areas of the two proposed lots will be much bigger in comparison.

The larger Agricultural A1 neighboring properties to the south and east, above the subject property, have lot areas of 124 acres and 25 acres. In contrast, these lots are large enough and suitable for Agricultural uses under the current A1 zoning. The majority of these lots are included in the ALC land reserve. The A1 property to the west is only 1.3 acres and is split by Lakeshore Road, which is not suitable for intensive agricultural uses either.

The proposed subdivided lot will not interfere with any of the immediate neighbor's or adjacent properties. The applicant is confident that proposed two lot subdivision does not negatively impact the neighbor's ability to enjoy their property, nor will it interfere with their view.

Site Servicing

The City has reviewed the proposed subdivision plan and have provided some feedback to date. Based on preliminary discussions, the critical component identified for rezoning the property was access to water.

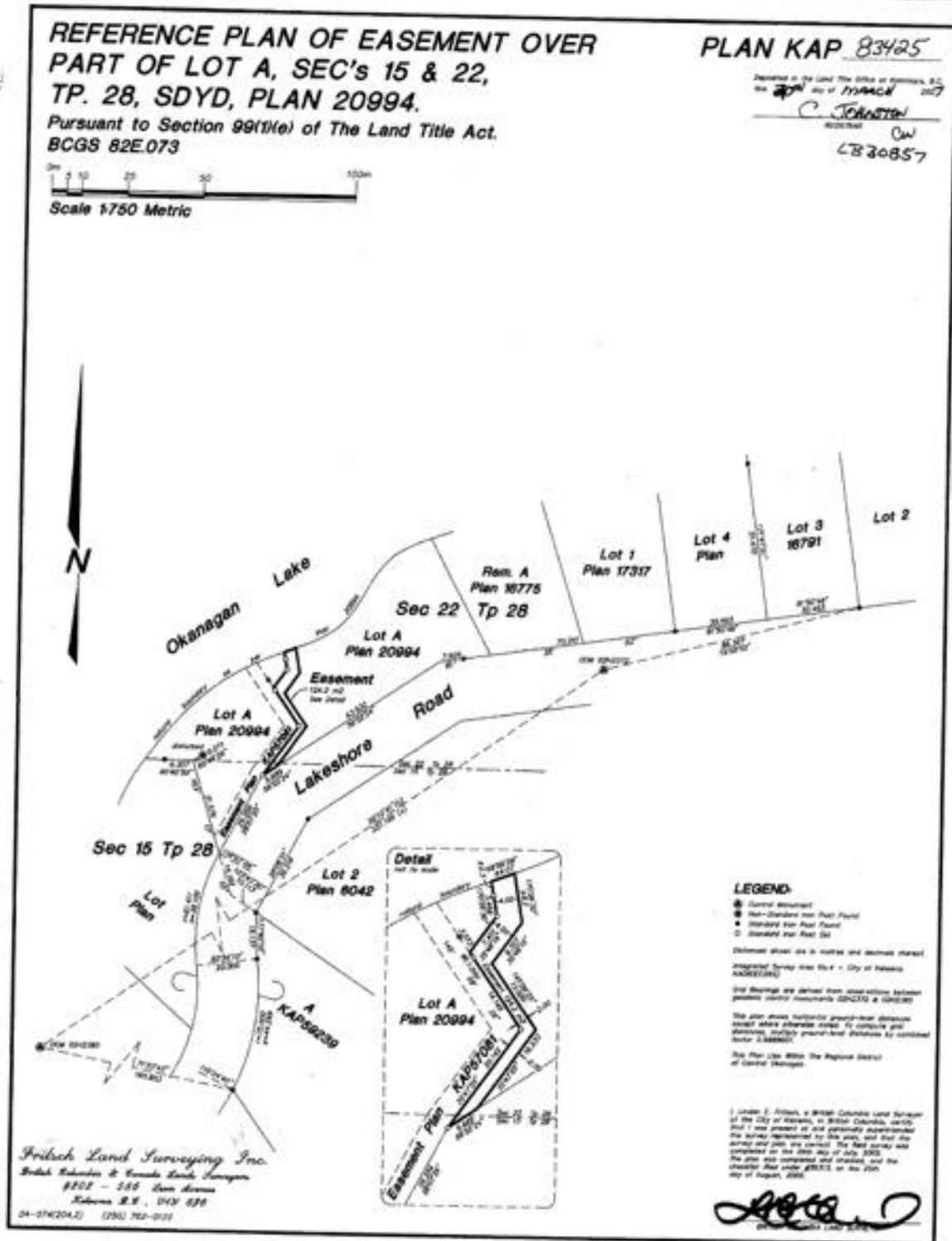
WATER

Municipal water service is not available off of Lakeshore Road fronting the property. As such, each lot will be service by fresh water lake intakes, under existing licenses. There are two (2) water licenses for the subject property, one for an existing lake intake water service and one for a proposed lake intake water service. The existing lake intake is located along an easement, KAP 83425, which is currently located through the center of a waterfront property at 5550 Lakeshore Road (Lot A, Plan 20994), dividing the waterfront property. The water line is located directly adjacent to the foundation of an existing residence and includes a large electrical power panel on the driveway in front of the residence kitchen window. The existing lake intake system is not easily maintained, nor is it suitable to install a new lake intake within the existing easement. The applicant proposes the consolidation of the existing lake intake locations into one. The preferred location for the consolidation is proposed to be at the Lakeshore 'Road End', as shown below. There are other alternatives that can be discussed with City Staff, as per the attached plan provided as part of the application. The 'Road End' simply avoids any crossing of private property.

Status: Filed

Plan #: KAP83425 App #: N/A Cst #: N/A

REVISED: 2007-03-26 REGIST. 2014-09-09 09:36:0

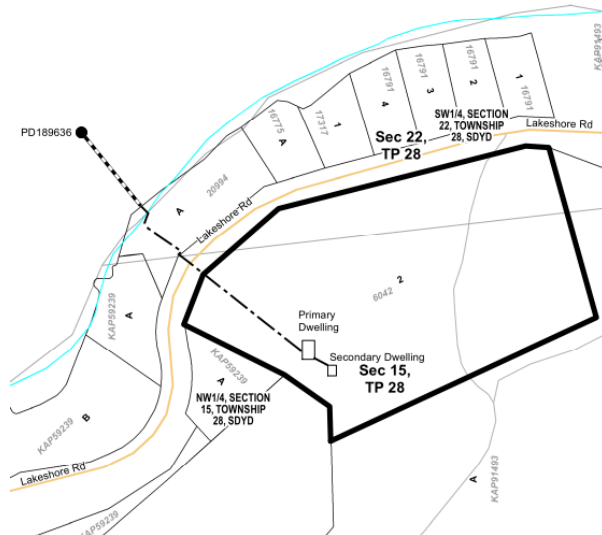


ORIGINAL

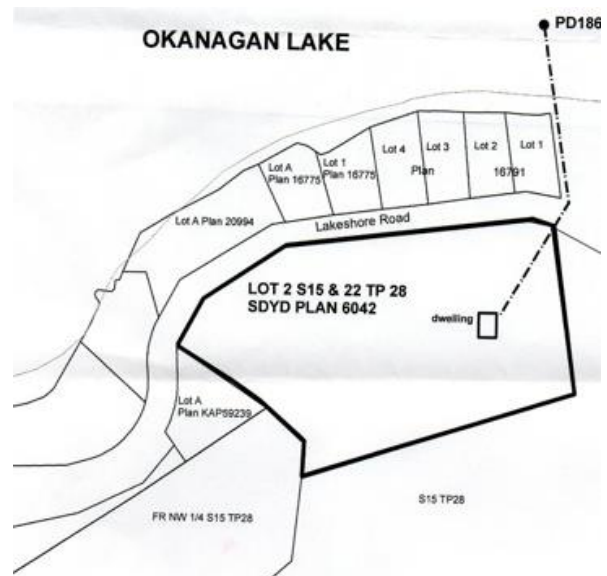
Page 1 of 1

Existing Water Easement KAP 83425

The applicant provides an opportunity to clean up what is currently an undesirable situation with the location of the existing water easement and lake intake. It also provides for the consolidation of lake intakes crossing Lakeshore Road. The applicant has received a letter from Front Counter BC advising that if the proposed works cross a public road, the agency that has jurisdiction over the road must be notified. The existing water licenses have been included with the application.

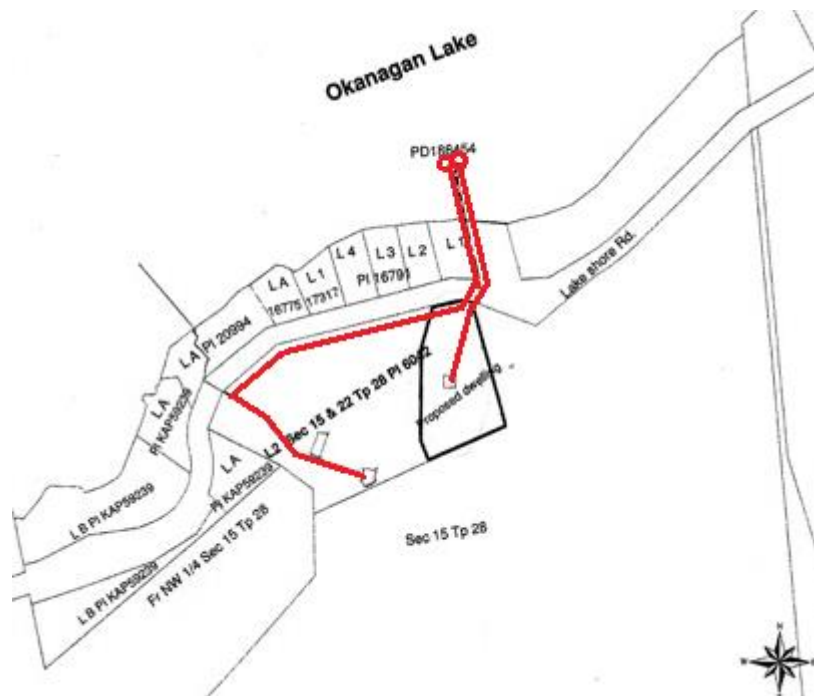


Water License C133227



Water License C131869

Existing Water License Locations

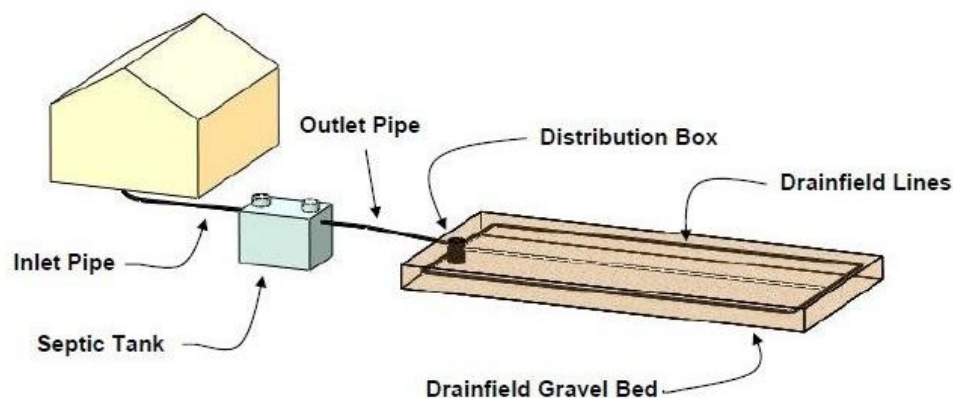


Proposed Lake Intake Improvements and Consolidation of Water Services

WASTE WATER

Municipal sanitary service is not available on Lakeshore Road. The subject property will be service by an onsite septic system. The subject property has one existing septic system that services the existing onsite buildings. The entire septic system and disposal field is included in the lower lot. The second upper lot will required a new septic and disposal system that is in compliance with the BC Sewerage System Regulation, most likely another Type 1 gravity distribution system.

An Onsite Sewer Disposal Assessment report can be provided upon request. The septic system will need to have a minimum setback of 15m, for Type 1 effluent, from the top of any cut banks or natural slopes greater than 30%, or bedrock outcrops which must be maintained when installing drain fields. It is anticipated that the proposed new lot has enough area to support a dispersal field that would service a 4 bedroom home. A slope analysis plan has been included as part of this application summary.



Typical Type 1 – Gravity Distribution System

ACCESS AND ROAD FRONTAGE IMPROVEMENTS

No road frontage improvements along Lakeshore Road have been identified for the subject property. The existing access road provides access to both of the proposed lots. The existing access road plan and profile drawings is available upon request. The access road grades along the easement through the site do not exceed 15.0%.

The site has not undergone an assessment by a geotechnical engineer to date. It is recommended that the site specific geotechnical report be determined at time of Building Permit when the new home site has been confirmed. It is recommended that a geotechnical engineer be given the opportunity to review the ditch excavation along Lakeshore Road at the time of construction. Any issues with stability, erosion, and hillside constraints would be addressed at time of building permit.

TRAFFIC & GREENHOUSE GAS REDUCTION

The increase in traffic proposed for a two lot subdivision sites will produce approximately 1.5 trips during peak AM and PM hours, or approximately 3 trips per day, per lot.

For the past several years there has been on going tree planting and landscaping on the property since the wildfires in 2003. In addition to ongoing effort, there has been brushing and weeding, juvenile spacing, and pruning as part of the post wildfire works. The few remaining trees and newly planted trees will be maintained and preserved so they can continue to help offset and reduce greenhouse gas emissions.

SHALLOW UTILITIES

Fortis BC, TELUS, and SHAW utilities can be taken from the existing poles along Lakeshore Road, fronting the two lots. Access to both lots will be provided off of the existing access off of Lakeshore Road and along the existing road easement KAP 16786A.

OCP Amendment

City staff noted that the parcel is located within the Resource Protection Area (RPA) and outside of the Permanent Growth Boundary (PGB). These high level future land use designations define how land will be developed, therefore determine how the city will grow to accommodate people, businesses, institutions and agriculture. Staff and council are asked to look at this application as a special case considering the existing access easements and actual physical use of the property.

The OCP land uses change as a community grows and evolves to meet emerging needs. The applicant is confident that the proposed zoning and subdivision plan does not negatively impact community growth, agriculture, or the natural environment. There is a need and a strong demand for this type of property considering its location, views, and proximity to one of the Okanagan's iconic wineries. A few additional clarification points are included below which support the OCP Amendment and Rezoning application:

1. **The property does not confirm and is currently not used for, nor is it suitable for most of the agricultural uses as set out in the Agricultural A1 zones.** The property is not large enough, flat enough, nor arable enough for intensive agricultural. Under the current zoning, the 3.1 hectares (7.6 acres) is an ineffective and inefficient use of land. The property is better suitable for Rural Residential land use.

2. The A1 and RR1 zones have many similar Principal and Secondary Uses, only A1 can be used for agriculture, aquaculture, intensive agriculture, agri-tourism, agri-tourism accommodation, kennels, stables and wineries. This property is not suitable for any of those purposes. **The applicant strongly believes that this property is better suited to support community growth than support the A1 land uses listed above;**
3. The applicant strongly believes that **rezoning and subdivision of this particular property would not negatively impact agriculture or the natural environment.** The specific location and size of the property is better suited and more in line with the pod of neighboring Rural Residential lots along the waterfront located across the street on Lakeshore Road;

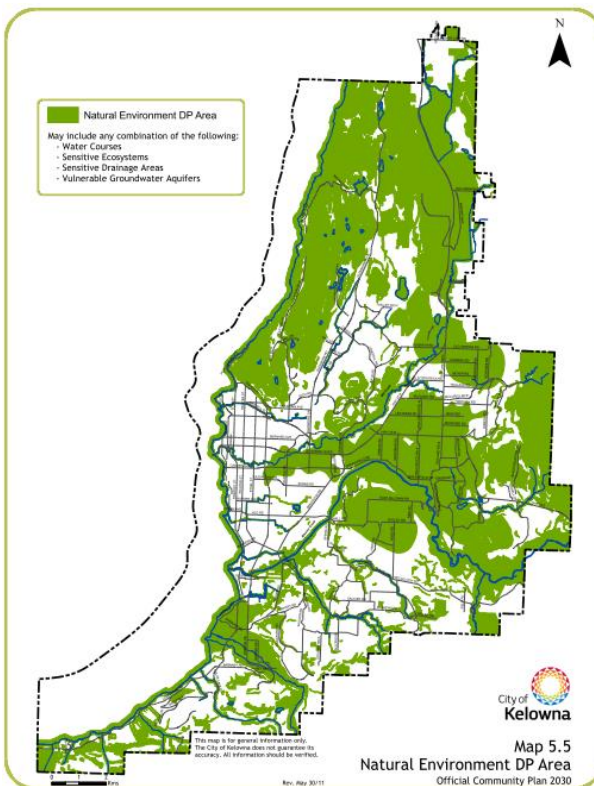


5555 Lakeshore Road – Lot 2, Plan 6042

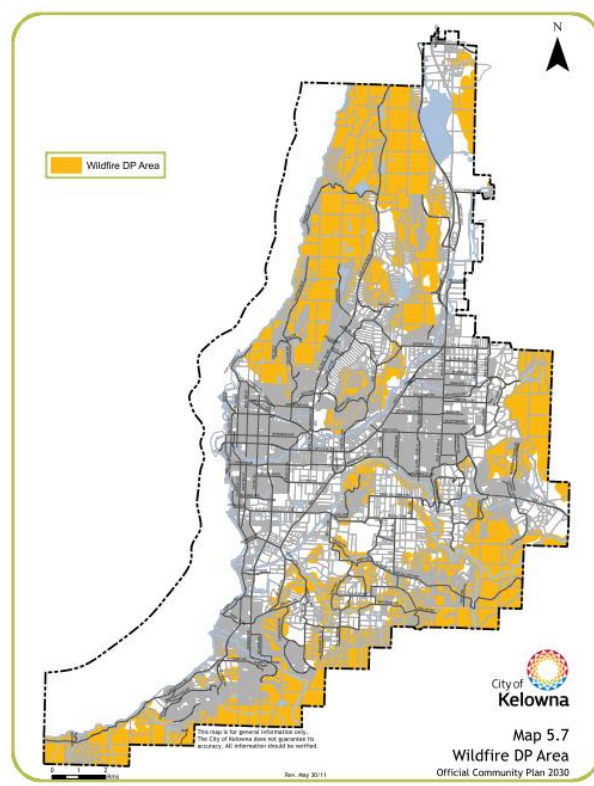
DEVELOPMENT PERMIT AREAS

The applicant wishes to apply for an exemption from the Hazardous Condition Development Permit and the Natural Development Permit. The subject property looks to be outside of the Natural Environment DP Area on Map 5.5. As the map is generalized, the applicant would like to confirm this with City Staff. The applicant welcomes a site visit to confirm the mapping and to identify any concerns regarding the creation of a second lot and second home site on the subject property.

The property is shown to be within the Wild Fire DP Area on Map 5.7. However, as indicated in prior sections, the site was devastated by the 2003 Okanagan Mountain Park Wildfire. Post wildfire remediation works have been completed within the site, resulting in a low fire hazard. There is an existing 219 wildfire covenant included on the property that will remain.



Natural Environment DP Area

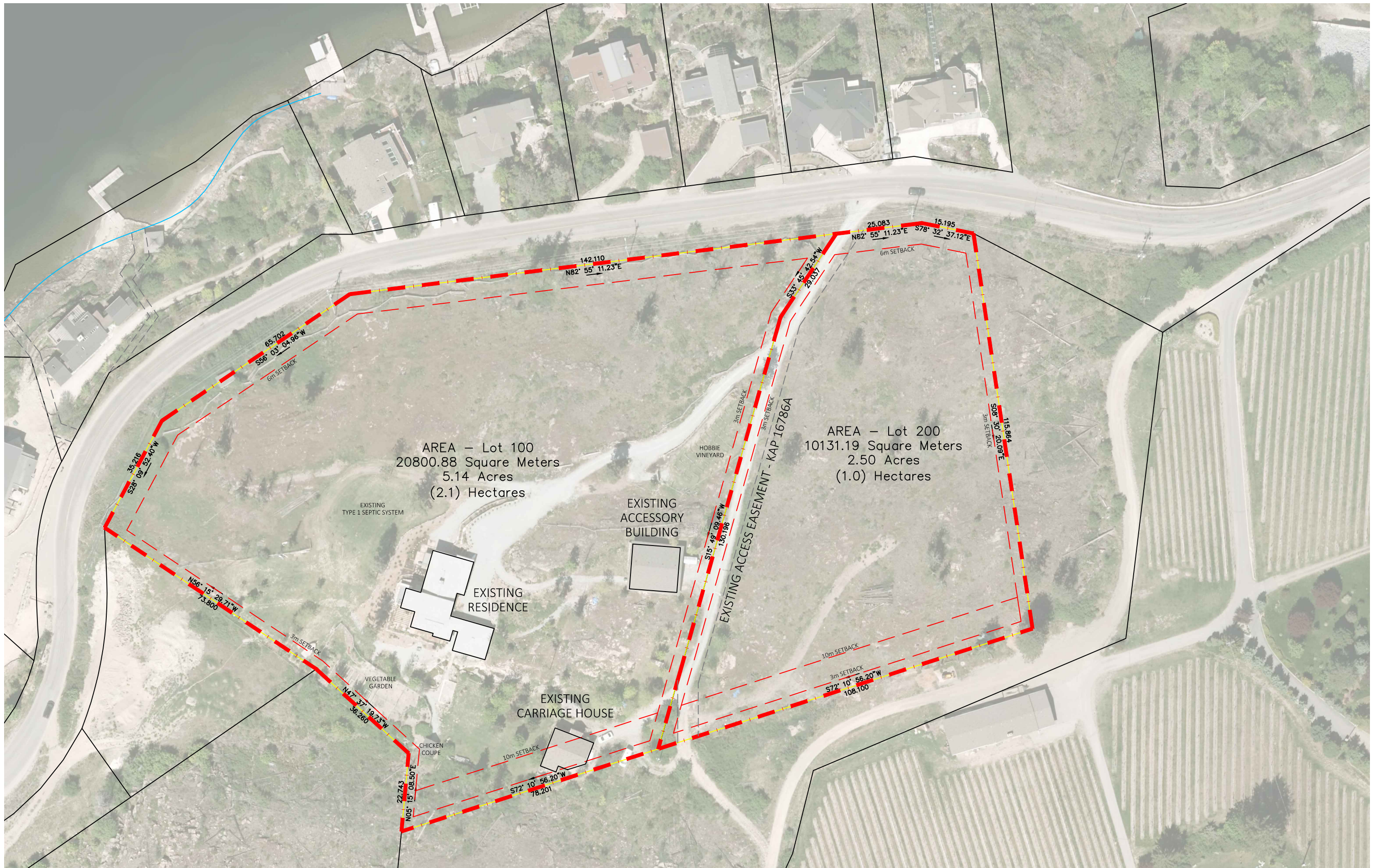


Wildfire DP Area

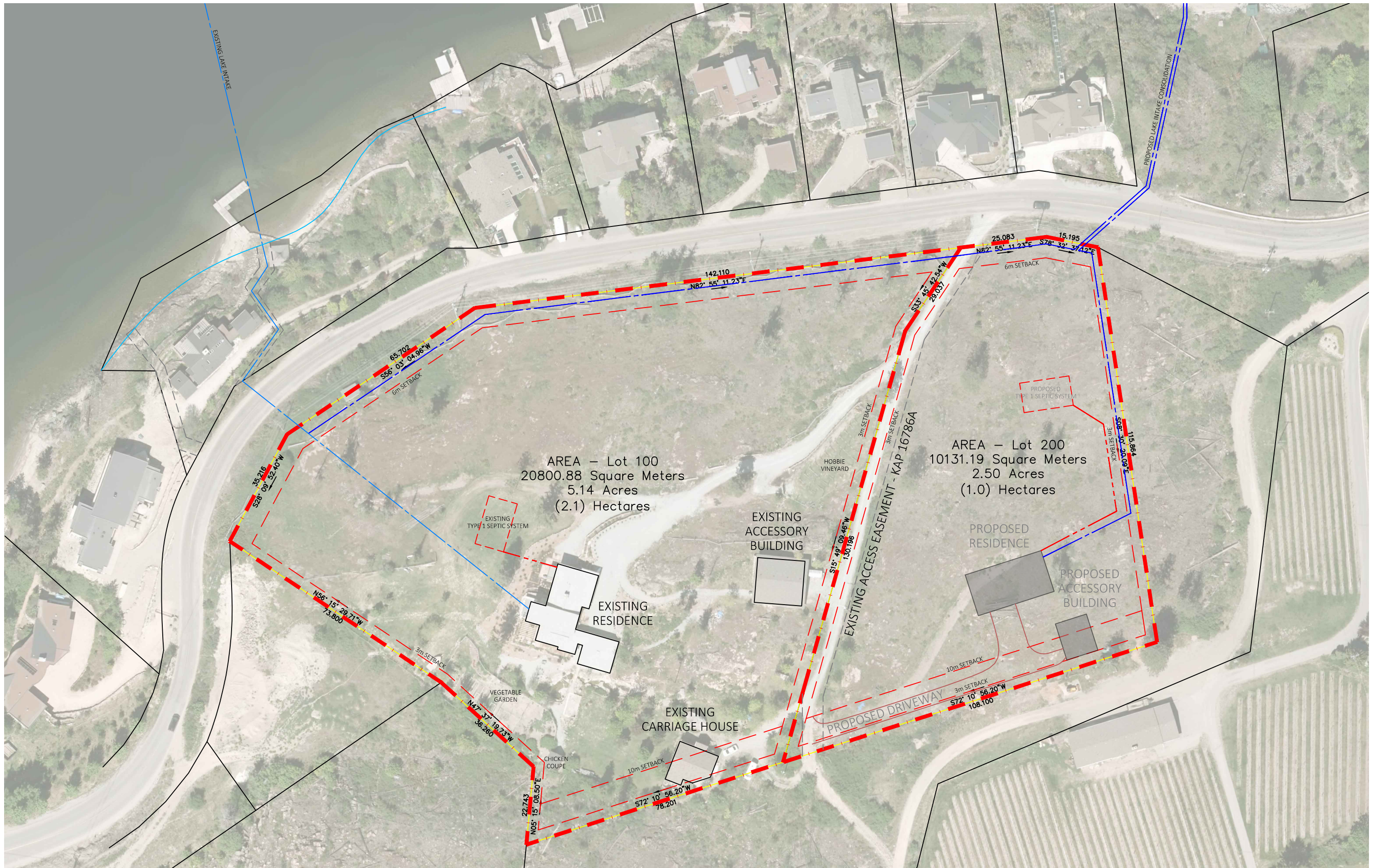


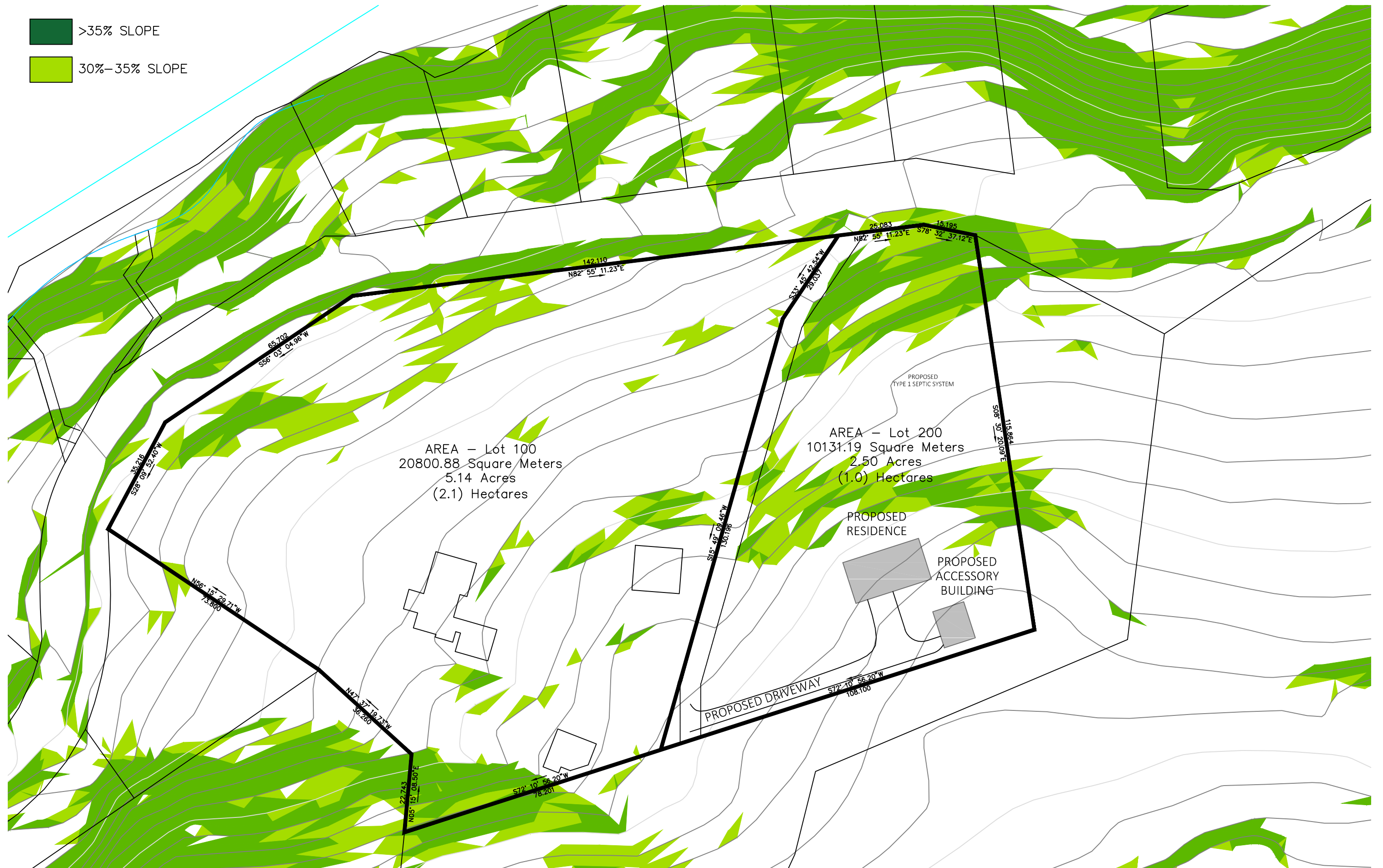
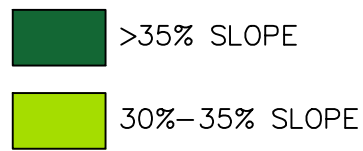


PROPOSED OCP AMENDMENT AND REZONING PLAN
 PRELIMINARY SUBDIVISION LAYOUT
 (PLAN 6042, LOT 2)







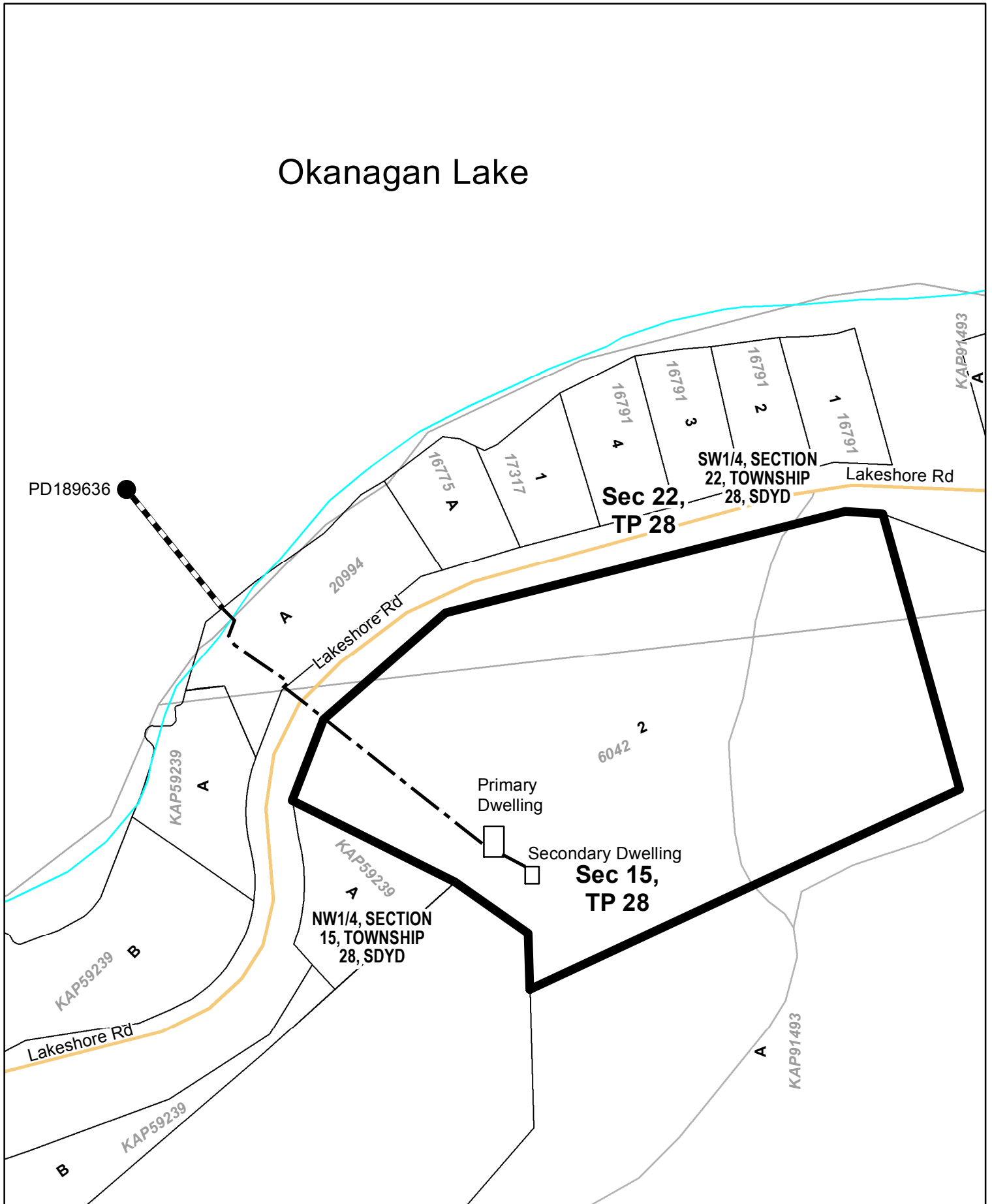


STEEP SLOPE ANALYSIS (>30% SLOPE)
PRELIMINARY SUBDIVISION LAYOUT
(PLAN 6042, LOT 2)

APPENDIX C

BC FrontCounter – Water Licenses

Lake Intake – Alternatives



Water District: Vernon

Precinct: Kelowna

Land District: SDYD

Map Number: 82.E.073.3.4

Scale: 1:2,000

LEGEND:

Point of Diversion:



Pipe:



Permit Over Crown Land



Signature:

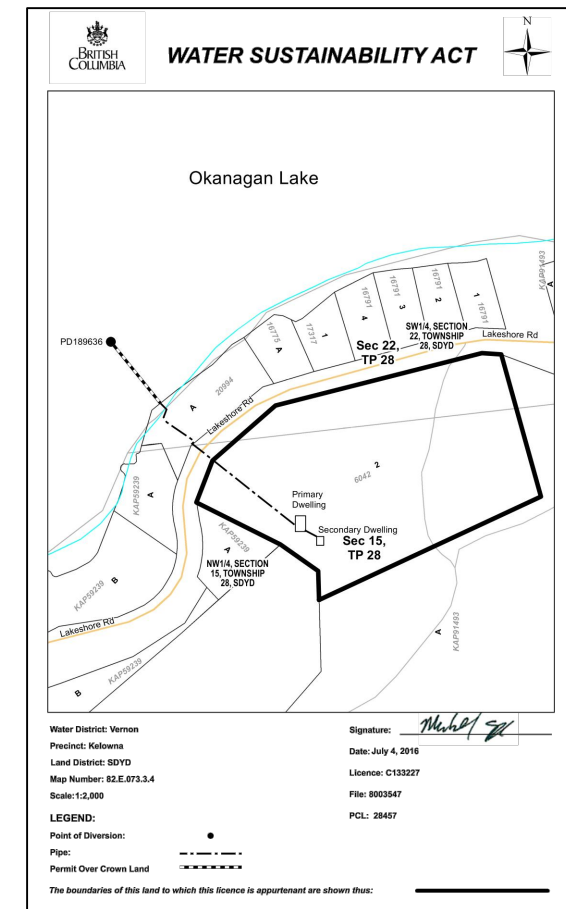
Date: July 4, 2016

Licence: C133227

File: 8003547

PCL: 28457

The boundaries of this land to which this licence is appurtenant are shown thus:



Agricultural Advisory Committee

Minutes

Date: Thursday, February 9, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Committee Members Present: Domenic Rampone, Ed Schiller, Pete Spencer, Tarsem Goraya and Jeff Ricketts (Alternate)

Committee Members Absent: John Janmaat (Chair), Yvonne Herbison (Vice Chair), Keith Duhaime, and Jill Worboys (Interior Health)

Staff Present: Suburban & Rural Planning Manager, Todd Cashin*; Planner, Melanie Steppuhn; Planner, Tracey Hillis*; Sustainability Coordinator, Tracy Guidi; and FOI-Legislative Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Committee Member, Ed Schiller, called the meeting to order at 6:03 p.m.

Opening remarks by the Committee Member, Ed Schiller, regarding conduct of the meeting were read.

2. Appointment of Acting Chair

Moved By Domenic Rampone/**Seconded By** Pete Spencer

THAT Ed Schiller be appointed the Acting Chair for the February 9, 2017 meeting of the Agricultural Advisory Committee.

Carried

3. Applications for Consideration

3.1 2550 Benvoulin Road, A16-0015 - Antonio & Carella D'Anzica

Staff:

- Displayed a PowerPoint presentation summarizing the application for non-farm use.
- Noted that the proposal is to increase the non-farm product retail sales from a maximum of 150m² to a maximum of 1,205m².
- Displayed the proposed Site Plan.
- Confirmed that the Committee needs to consider:
 - o the protection of agricultural lands;
 - o homeplating;
 - o the impacts of non-farms uses;
 - o supporting non-farm uses only when agriculture benefits; and
 - o supporting farm retail when produced on the farm.
- Noted the following concerns with the proposal:
 - o reduction in farm use; and
 - o non-farm use when agriculture is not in operation.
- Responded to questions from the Committee.

AAC/Staff Discussion:

- Staff provided an overview of the City's process regarding non-farm use applications.
- Staff provided the rationale for the definition of a 'farm product' as defined by the Agricultural Land Commission's regulations, container plants are considered agriculture
- A Committee Member inquired if there is a mobile home on the property.
- A Committee Member inquired if the property was within the City's Permanent Growth Boundary.
- A Committee Members noted that there are presently three (3) accesses to the property and inquired if all three (3) accesses are to remain as part of this proposal.
- Staff advised that the City's Development Engineering Department has concerns regarding the accesses.
- Staff confirmed that the property is outside the Permanent Growth Boundary.
- Staff confirmed that the light green squares on the proposed Site Plan are greenhouses.
- Staff confirmed that the property to the north is a separate parcel and this application does not apply to that parcel.

Jeff Vander Zalm, President, Art Knapp, Applicant's Representative:

- Provided historical information regarding the land use of the subject property.
- The site originally started as a composting facility and then evolved into a nursery sometime in the 1990's.
- Provided the rationale for commencing a retail sales operation on the subject property rather than housing the operation at the Springfield Road location.
- Advised that he worked with the City back in the 1990's regarding the retail sales operation on the site.
- Advised that he was contacted by the Bylaw Services Department last year regarding the use of the subject property.
- Provided background information regarding his work with the City.

- Advised that he does not know when the three (3) accesses to the property were constructed. The accesses were in place when he purchased the property and he believes that the accesses were constructed sometime in the 1980's.
- The mobile home on the property has been there since he took over the operation in the 1990's.
- Responded to questions from the Committee.
- Provided the rationale for the three (3) accesses and how only one (1) access would impact the operation. The site could operation with one (1) access if that is what the City required and he is willing to work with City staff with respect to the accesses.
- Confirmed that the operation does not work within the 150m² area due to the type of products they sell.
- Advised that the proposal does not add more square footage than what has always been on the site. This application is to conform to the City's rules and regulations.
- Provided the details of the non-farm uses on the property.
- Advised that the nursery business provides for the majority of his business.
- Advised that he would be willing to reduce the soil/gravel sales operation; however, he would be hesitant to do so as the public has come to expect those types of sales at that location.
- If the City would allow him to erect more greenhouses on the site, he would be willing to consider expanding the nursery business in order to reduce the soil/gravel sales operations.
- Believes that the current operation is a benefit to agriculture.
- Provided the rationale for the parking area on the proposed site
- Would be willing to put up bonding to ensure that the proposal actually comes to fruition.
- Advised that the pile of the dirt on the south end of the property is used for potting purposes.

Moved By Jeff Ricketts/Seconded By Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council not support Application No. A16-0015 for the property located at 2550 Benvoulin Road, Kelowna, BC, to request permission from the Agricultural Land Commission for the Non-Farm Use of retail sales of non-farm product in an area exceeding 150 m².

Carried

Ed Schiller – Opposed.

ANCEDTAL COMMENTS:

The Agricultural Advisory Committee did not support this application as the Committee did not feel the proposal was a benefit to agriculture. While the Committee recognized that there is an agriculture component on the subject property, the Committee has not supported similar applications in the past and would like to remain consistent with their recommendations. The Committee expressed a concern that there appears to be a significant amount of wasted land as it is not in agricultural production. The Committee also expressed a concern that the parking lot area on the site seems to have gotten larger over the years and should be reduced as 2.4 acres for a parking lot seems excessive. The Committee would like to see a reduction in the amount of soil/gravel sales (non-farm use) on the site and an increase to the nursery sales. The Committee would also like to see the non-farm uses in one area, potentially located abutting a property line appose to in the center of the property. The Committee also expressed a concern that the three (3) accesses on the site should be reduced in order to minimize the impact to traffic on Benvoulin Road.

4. Minutes

Moved By Tarsem Goraya/**Seconded By** Domenic Rampone

THAT the Minutes of the December 8, 2016 Agricultural Advisory Committee meeting be adopted.

Carried

5. Referrals

There were no referrals.

6. Old Business

6.1 Temporary Farm Worker Housing (TFWH) – Text Amendment

Staff:

- Displayed a PowerPoint presentation summarizing the application for non-farm use.
- Since the last time staff were in front of the Committee, the City has consulted with:
 - o Regional group (RDCO, West Kelowna and Lake Country);
 - o Ministry of Agriculture;
 - o BC Fruit Growers Association;
 - o Mexican Consulate; and
 - o Jamaican Liaison Service.
- Provided statistical data with respect to Mexican SAWP workers per farm in the Okanagan for 2016.
- Provided statistical data with respect to Jamaican SAWP workers per farm in the Okanagan for 2016.
- The intent of the text amendment is to:
 - o reduce the footprint on the farm;
 - o use existing dwellings as first option;
 - o new temporary farm worker housing on non-permanent foundations;
 - o addresses buffers to adjacent properties;
 - o minimizes the risk of temporary farm worker housing being used for non-farm purposes.
- Advised that the proposed policy is consistent with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas.
- Policy updates will also be required to the City's:
 - o Official Community Plan;
 - o Farm Protection Development Permit Guidelines;
 - o Zoning Bylaw;
 - o Development Applications Procedures Bylaw.
- Provided an overview of the policy updates to the Official Community Plan and Farm Development Permit Guidelines.
- Provided an overview of the policy updates to the Zoning Bylaw.
- Provided an overview of the policy updates to the Development Applications Procedures Bylaw.
- Provided examples of the proposed policy and its impacts.

- Provided examples of Best Practices from Delta, Langley, Abbotsford, Pitt Meadows and Richmond.
- Provided an overview of the next steps in the process.
- Responded to questions from the Committee.

AAC/Staff Discussion:

- Staff advised that any temporary farm worker housing applications that have already been approved, or are in-stream, will not be impacted by the proposed new policy.
- Staff provided the rationale for the eight (8) month policy.
- Staff advised that any housing needed beyond eight (8) months would require a permanent farm worker housing application.
- Staff provided the rationale for the minimum 3.8-hectare parcel size as a requirement for temporary farm worker housing.
- Staff advised that the Regional District of Central Okanagan has its own process and will be applying similar policy changes to their rules and regulations.
- Staff advised that the average farm in the Okanagan houses approximately ten (10) temporary farm workers per farm.

Moved By Jeff Ricketts/Seconded By Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council lobby the Ministry of Agriculture to reduce the allowable parcel size for temporary farm worker housing from 3.8 hectares to 2.0 hectares in order to reflect what is actually happening in the agriculture industry.

Carried

Moved By Domenic Rampone/Seconded By Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council encourage the Regional District of Central Okanagan and the City of West Kelowna to join Kelowna in lobbying the Ministry of Agriculture to lowering the minimum parcel size for Temporary Farm Worker Housing from 4.0 ha to 2.0 ha.

Carried

Moved By Domenic Rampone/Seconded By Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council support the draft policies for temporary farm worker housing that meets the needs of farmers, which adheres to provincial standards, in conjunction with a consistent regional approach, as presented by staff on February 9, 2017.

Carried

7. New Business

7.1 Proposed change to Notification Policy for properties outside the Permanent Growth Boundary

Staff:

- Advised that Committee member has inquired if the City would be willing to change the notification policy for applicants providing information regarding properties outside the Permanent Growth Boundary.
- Staff advised that Council Policy 367 sets out the procedures for public notification, including notification for properties outside the Permanent Growth Boundary.
- Displayed a map showing the City's Permanent Growth Boundary.
- Displayed a buffer map indicating how Council Policy 367 could be amended.
- Responded to questions from the Committee.
- Demonstrated a 700 m notification buffer.
- Demonstrated a 500 m notification buffer.
- Explained where an application abutted the Permanent Growth Boundary, practice has been that the applicant would provide information to residents within the 50 metre radius required within the Permanent Growth Boundary, which is the current radius per Council Policy.

AAC:

- The Committee, in general, likes an expanded notification area for properties outside the City's Permanent Growth Boundary for Council Policy 367.

Moved By Domenic Rampone/Seconded By Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council amend Council Policy No. 367 – Public Notification & Consultation for Development Applications to reflect a 500 m neighbour consultation notification area for properties outside the City's Permanent Growth Boundary.

Carried

7.2 Request from Committee Member for a meeting with the Agricultural Land Commission's Regional Panel

Staff:

- Advised that a Committee member has inquired whether or not the Committee could meet with the Agricultural Land Commission's Regional Panel.
- Staff reminded the Members that the Committee's Terms of Reference does not allow for direct interaction with the Agricultural Land Commission and any request would have to be approved by Council.
- Staff suggested that the Committee member requesting the meeting provide possible agenda topics so that the specific topics can be provided to Council when the request to meet is considered.

7.3 Request from Committee Member for a meeting with other Agricultural Advisory Committees in the area

Staff:

- Advised that a Committee member has inquired whether or not the Committee could meet with other Agricultural Advisory Committees in the area.
- Staff reminded the Members that the Committee's Terms of Reference does not allow for direct interaction with other Agricultural Advisory Committees in the area and any request would have to be approved by Council.

Moved By Domenic Rampone/**Seconded By** Jeff Ricketts

THAT the Agricultural Advisory Committee recommends that Council support a request by the Committee to meet with the District of Lake Country's Agricultural Advisory Committee, the City of West Kelowna's Agricultural Advisory Committee and the Regional District of Central Okanagan's Agricultural Advisory Committee in order to discuss common goals.

Carried

8. Next Meeting

The next Committee meeting has been scheduled for March 9, 2017.

9. Termination of Meeting

The Acting Chair declared the meeting terminated at 8:11 p.m.

Ed Schiller, Acting Chair

/slh