
CITY OF KELOWNA

MEMORANDUM

Date: December 19, 2003
File No.: A03-0014

To: City Manager

From: Planning & Corporate Services Department

Purpose: To obtain approval from the Land Reserve Commission for non-farm use status within the Agricultural Land Reserve, to allow the existing winery restaurant to apply for a full liquor licence

Owners: Stephen R. Cipes	Applicant / Contact Person: Stephen R. Cipes
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At: 4870A Chute Lake Road

Existing Zone: A1–Agriculture 1 / RR1–Rural Residential 1 / RR2–Rural Residential 2

Report Prepared by: Mark Koch

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A03-0014, Lot A, Sec. 24 & 25, Twp. 28, SDYD, Plan KAP67429, located on Chute Lake Road, in Kelowna, B.C. in order to allow the existing winery restaurant to apply for a full liquor licence, pursuant to Section 20(3) of the Agricultural Land Commission Act NOT be supported by Council.

2.0 SUMMARY

The applicant is requesting permission from the Land Reserve Commission to allow for a non-farm use within the Agricultural Land Reserve. The applicant is seeking permission to apply to upgrade the currently existing lounge endorsement in place for the restaurant to a full liquor licence. The physical appearance of the restaurant will not undergo any changes, however the proposed non-farm use designation will enable the applicant to apply for a licence to serve liquor without restrictions and to host functions.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee, at their meeting of December 11, 2003, reviewed the above noted application, and the following recommendation was passed:

THAT the Agricultural Advisory Committee not support the license expansion requested by Summerhill Winery for the following reasons: this expanded use does not support the original goal of winery restaurants (promotion of their own product); the proposed expansion pushes the boundaries of agri-tourism definition and intent; the expanded use also has the potential to impact negatively on traffic levels in agricultural areas.

(1 abstention) **Motion CARRIED**

4.0 SITE CONTEXT

The subject property is located on Chute Lake Road, between Lakeshore Road in the Southwest Mission Sector Plan area of the City. The subject property covers a total area of 22ha (54ac), and the elevation ranges from 464m in the South and 392m in the North.

Parcel Size:	22ha (54ac)
Elevation:	464m-392m

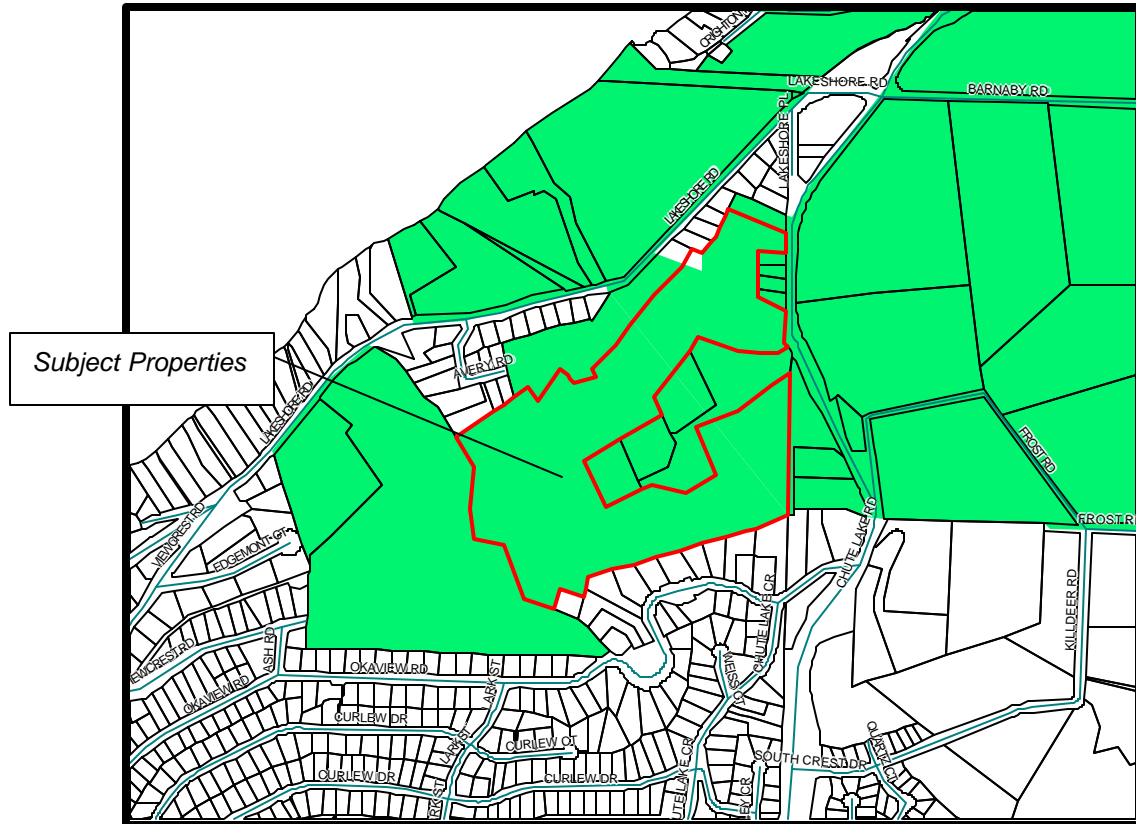
BCLI Land Capability

The land classification for the subject area falls primarily into Classes 4 and 5, however the irrigated rating for the subject property increases to Classes 2 and 3. The soil on the subject property is limited by a soil moisture deficiency, undesirable soil structure and/or low perviousness, excess water, and topography.

Soil Classification

The principle soil classifications for the subject property are Kalamoir and Gammil. The Kalamoir soil is characterized by a eolian veneer over nearly level to extremely sloping, stratified glaciolacustrine sediments, while the Gammil soil is characterized by very gently to extremely sloping fluvioglacial deposits.

The subject property is located on the map below:



ZONING AND USES OF ADJACENT PROPERTY:

North - RR2 – Rural Residential 2; Rural Residential subdivision
East - A1 – Agriculture 1, RR1 – Rural Residential 1; Farming and a Rural Residential Subdivision
South - RR2 – Rural Residential 2; Rural Residential Subdivision
West - A1 – Agriculture 1; Farming

3.0 CURRENT DEVELOPMENT POLICY

3.1 City of Kelowna Strategic Plan (1992)

A Primary Goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

3.2 Kelowna Official Community Plan (1994 – 2014)

The Official Community Plan designation of the subject property is Rural/Agriculture and recognizes the importance of agricultural uses. The Plan supports limited secondary uses on farm land, such as limited processing, home occupations, agri-tourism, and other farm related uses, to promote the economic vitality of the agricultural community.

3.3 Southwest Okanagan Mission Sector Plan

The Sector Plan designates the subject property as Agricultural Land Reserve. An objective of the Plan is to maintain viable agricultural lands in the Agricultural Land Reserve.

3.4 City of Kelowna Agriculture Plan

The Agriculture Plan encourages the continuation of the increase in the quality of the grapes produced in order to advance the growing reputation of local wine products and increase their market share both locally and internationally. The site is located within an area identified as moderately suitable for growing grapes. The Agriculture Plan encourages Agri-tourism to supplement the farm income through economic diversification of the farm business. Agri-Tourism involves direct marketing, and expands the concept of the farm as an entertainment, educational, or destination point in order to diversify the farm operation and the farm sources of income. Activities may include on farm dining or product tasting. With innovations in the liquor laws allowing wineries to serve meals the agriculture industry may now benefit more from the strengths of tourism. The intention of supporting agri-tourism and direct farm marketing businesses is to realize an overall improvement to the economics of farming, without impacting the ability of adjoining farm operations to sustain their business.

6.0 ALTERNATE RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A03-0014, A, Sec. 24 & 25, Twp. 28, SDYD, Plan KAP67429, located on Chute Lake Road, in Kelowna, B.C. in order to allow the existing winery restaurant to apply for a full liquor licence, pursuant to Section 20(3) of the Agricultural Land Commission Act be supported by Council.

7.0 PLANNING COMMENTS

The relevant planning documents do NOT support the proposed non-farm use in the Agricultural Land Reserve. The Planning and Corporate Services Department does recognize the importance of agri-tourism as a means for agriculturalists to diversify their operations, however, the scope of this application goes beyond the intent of agri-tourism provisions outlined by the Land Reserve Commission. It is feared that the proposed fully licenced restaurant will create a commercial type operation on agriculturally designated property.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

RGS/MK/mk Attachment

FACT SHEET

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|---|---|
| 1. APPLICATION NO.: | A00-0014 |
| 2. APPLICATION TYPE: | Non-farm Use |
| 3. OWNER: | Stephen Cipes |
| . ADDRESS | 4870 Chute Lake Road |
| . CITY | Kelowna |
| . POSTAL CODE | V1W 4M3 |
| 4. APPLICANT/CONTACT PERSON: | Stephen Cipes |
| . ADDRESS | 4870 Chute Lake Road |
| . CITY | Kelowna |
| . POSTAL CODE | V1W 4M3 |
| . TELEPHONE/FAX NO.: | 250-764-4345 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | December 11, 2003 |
| Date Application Complete: | December 11, 2003 |
| Staff Report to AAC: | December 11, 2003 |
| Staff Report to Council: | December 19, 2003 |
| 6. LEGAL DESCRIPTION: | Lot A, Sec. 24 & 25, Twp. 28, SDYD,
Plan KAP67429 |
| 7. SITE LOCATION: | West of Chute Lake Road |
| 8. CIVIC ADDRESS: | 4870A Chute Lake Road |
| 9. AREA OF SUBJECT PROPERTY: | 22ha (54ac) |
| 10. EXISTING ZONE CATEGORY: | A1–Agriculture 1;
RR1–Rural Residential 1;
RR2–Rural Residential 2 |
| 11. PURPOSE OF THE APPLICATION: | To obtain approval from the Land
Reserve Commission for non-farm
use status within the Agricultural Land
Reserve, to allow the existing winery
restaurant to apply for a full liquor
licence |
| 12. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | Not Applicable |