



CITY OF WEST KELOWNA AGRICULTURAL ADVISORY COMMITTEE AGENDA

Wednesday, June 2, 2021, 5:00 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE AGRICULTURAL ADVISORY COMMITTEE MEETING TO ORDER

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Agricultural Advisory Committee meetings in-person. As an open meeting, it will be webcast live and will be archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

4. ADOPTION OF MINUTES

4.1. Minutes of the Agricultural Advisory Committee meeting held May 5, 2021 in the City of West Kelowna Council Chambers

2

5. PRESENTATIONS

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. REFERRALS

8.1. DVP 20-08, 2789 Highway 97 South, Goats Peak Winery

7

9. CORRESPONDENCE AND INFORMATION ITEMS

10. OTHER BUSINESS

11. ADJOURNMENT OF THE MEETING

The next Agricultural Advisory Committee meeting is scheduled for Wednesday, July 7, 2021 at 5:00 p.m.



CITY OF WEST KELOWNA
MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE MEETING

Wednesday, May 5, 2021
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Jan Bath, Chair
Philip Gyug
Geoffrey Oliver
Serina Penner, Vice Chair
Anton Schori
Nikko Shankman

Staff Present: Chris Oliver, Senior Planner
Natasha Patricelli, Recording Secretary
Sara Skabowski, Planning Student
Hailey Rilkoff, Planner II (via Teams)

Others Present: Shannon Tartaglia, Applicant (via Teams)

1. CALL THE AGRICULTURAL ADVISORY COMMITTEE MEETING TO ORDER

The meeting was called to order at 5:00 p.m.

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public was not permitted to attend the Agricultural Advisory Committee meeting in person. As an open meeting, it was webcast live and archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

2.1 Ministry of Agriculture Representative (see item 10.1)

3. ADOPTION OF AGENDA

It was moved and seconded

THAT the agenda be adopted as amended.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the Agricultural Advisory Committee meeting held April 7, 2021 in the City of West Kelowna Council Chambers

It was moved and seconded

THAT the minutes of the Agricultural Advisory Committee meeting held April 7, 2021 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

5. PRESENTATIONS

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. REFERRALS

8.1 A 21-04; ALR Non-Farm Use Application; 1221 Hudson Road

Highlights of the presentation include:

Applicant Shannon Tartaglia joined the meeting via Teams

Property Details

- Located in the Boucherie Centre neighbourhood;
- Institutional land use designation;
- Current Zoning: P2 - Institutional and Assembly Zone;
- Adjacent land uses include: residential, commercial, institutional and parks;
- Portion of the property is within the ALR;
- Property is 19.5 acres;
- Currently Hudson Road Elementary School;
- Used by School District for over 40 years;
- School buildings, parking and sports fields located within ALR;

Application History

- 2018 exclusion application supported by Council however ALC did not approve exclusion;

- ALC did support non-farm use request for additional portables for student growth;

Proposal

- Early Learning Program Facility;
- Total development footprint of 1,562 m²;
- Requires approximately 1,600 m² of imported fill;
- Approximately 2% of the area of subject property;
- 500 m² facility run by the Okanagan Boys and Girls Club;
- 92 new child care spaces (30 existing spaces provided in the school);
- Currently undeveloped grassy portion of the property;
- SD23 has applied for Provincial Funding for the facility;

Policy & Bylaw Review

- *Official Community Plan*: Institutional Land Use Designation supports learning, schools and institutional uses; speaks to healthy child development;
- *Agricultural Plan*: Does not speak to ALR lands with existing institutional uses on them; Speaks to protection of agricultural land;
- *ALC Act*: Grants permission for Non-Farm Use applications which must be authorized by resolution of Local Government;
- *Zoning Bylaw*: P2 - Institutional and Assembly Zone permits education facility and care facility as principal uses; meets all zoning bylaw regulations regarding parcel coverage, building height and site regulations;
- *Child Care Planning and Needs Assessment*: Regional Needs Assessment identified community approach to improve child care; Annual space creation target is 306 spaces over the next ten years;

Key Considerations

- Property used as a school site for over 40 years;
- Institutional designation within the OCP and zoned for Institutional uses;
- ALC previously approved non-farm uses to expand education uses on the property;

- Proposed facility would supply needed child care spaces to meet identified targets.

Questions on the presentation include:

- Zoned and designated future land use based on its current use? Yes;
- Not submitting an exclusion application because it was turned down previously? Yes, application for exclusion in 2018 which was not approved;
- How much potential agricultural land (not including slope) would the building and parking lot occupy? Approximately less than 25% taken out of potential farm land. This portion of the property has the best access and requires less grading;
- Are there any Agricultural benefits for this application? Agriculture not viable for this property. School District needs to maintain fields for educational mandate. ALC wants to see non-farm use applications annually. Application has answered all questions that were asked for the non-farm use application.

Highlights of the discussion include:

- Encourage inclusion of any agricultural benefit on future applications;
- Desire to preserve ALR land and potential of farming in the future;
- Supportive of child care facility however concern with using ALR land.

It was moved and seconded

THAT the AAC support file A 21-04, ALR Non-Farm Use Application, 1221 Hudson Road.

CARRIED; Member Shankman opposed

9. CORRESPONDENCE AND INFORMATION ITEMS

10. OTHER BUSINESS

10.1 Ministry of Agriculture Representative

Philip Gyug has accepted a 7 month term position with the Ministry of Agriculture. Philip has transitioned to a non-voting member to participate as a representative from the Ministry of Agriculture with the Agricultural Advisory Committee. After the term is complete he will return to his role as a voting member.

11. ADJOURNMENT OF THE MEETING

The meeting adjourned at 5:23 p.m.

CHAIR

RECORDING SECRETARY



AGRICULTURAL ADVISORY COMMITTEE REPORT

To: Agricultural Advisory Committee Members

Date: June 2, 2021

From: Hailey Rilkoff, Planner II

File No: DVP 20-08

Subject: **DVP 20-08, 2789 Highway 97 South, Goats Peak Winery**

BACKGROUND

The subject property is a vacant piece of agricultural land, located within the Agricultural Land Reserve (ALR). The subject property is located in the Goats Peak/Gellatly neighbourhood and is zoned A1 – Agricultural. The property is near the Highway 97 Overpass located at Gorman Brothers Mill. The properties to the south are located in the Goats Peak Comprehensive Development Plan area and are envisioned to be a mix of residential uses in the future.

PROPERTY DETAILS			
Address	2789 Highway 97 S		
PID	004-988-914		
Folio	36414590.375		
Lot Size	17.8 acres (7.1 ha)		
Owner	Goats Peak Winery Ltd. Inc. No BC1171993	Agent	Chris Nagy (Bronag Contracting Ltd.)
Current Zoning	A1 - Agricultural	Proposed Zoning	-
Current OCP	Agricultural	Proposed OCP	-
Current Use	Vacant	Proposed Use	Winery
Development Permit Areas	Hillside; Terrestrial		
Hazards	n/a		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES		
North	^	A1 – Agricultural (ALR) Zoned Parcel
East	>	A1 – Agricultural (ALR) Zoned Parcel
West	<	I3 – Timber Processing and Manufacturing (Gorman Bros. Lumber Mill) & C4 – Service Commercial Zoned Parcels

THAT the AAC support file A20-01, Non-Farm Use Application, 2789 Highway 97 South with the condition that the first five (5) acres be planted before construction. **THAT** the AAC support DVP 20-08, DVP Application, 2789 Highway 97 South as presented.

Highlights of the discussion regarding the height variance include:

- Questions regarding the extra building height, which is double than what is permitted in the zone;
- Questions regarding the height related to visual impact; and
- It was noted that the increased height would not reduce the agricultural footprint for farming.

Council Consideration

Council considered the application at their October 13th, 2020 regular Council Meeting. Council passed the following resolution:

THAT Council postpone the issuance of a Development Variance Permit (DVP 20-08); and

THAT Council support the request to permit a non-farm use for a winery production and tasting building in the Agricultural Land Reserve; and further

THAT Council direct staff to forward the application to the Agricultural Land Commission for consideration.

Council recommended further public consultation regarding the development and that more detailed design drawings would be required to illustrate the form and character of the development. The Non-Farm Use application was forwarded to the ALC for their consideration. To date the application is still under review by the ALC.

Following the Council meeting, numerous letters of correspondence were received from the public with concerns about the proposed development. The theme of concern regarding the original proposal focused primarily on the building design of a “lighthouse” rather than the height of the building.

The following concerns were in line with Council’s discussion:

- the design of the development could be intrusive;
- the development does not reflect the community’s form and character; and
- sensitivity to light pollution coming from the lighthouse .

Revised Proposal – Variance

In May of 2021, staff received a resubmission pertaining to the postponed Development Variance Permit (DVP 20-08), with a redesigned production and tasting facility maintaining the same height variance request.

The applicant has proposed to construct a 135 m² (1,450 ft²) production facility and a 190 m² (2,045 ft²) tasting facility on the subject property, with less than 5% (3.7% total non-farming use) of total lot coverage proposed by the farming related commercial/industrial uses.



Figure 1 - Original Proposal - Building Design



Figure 2 - Revised Proposal - Building Design

The proposed Winery Tasting Building is 190 m² in total floor area and 35.0 m in height. The City's A1 – Agricultural Zone limits the height of buildings to 15.0 m. The applicant has proposed a smaller building footprint to maximize the impact on the farmable land.

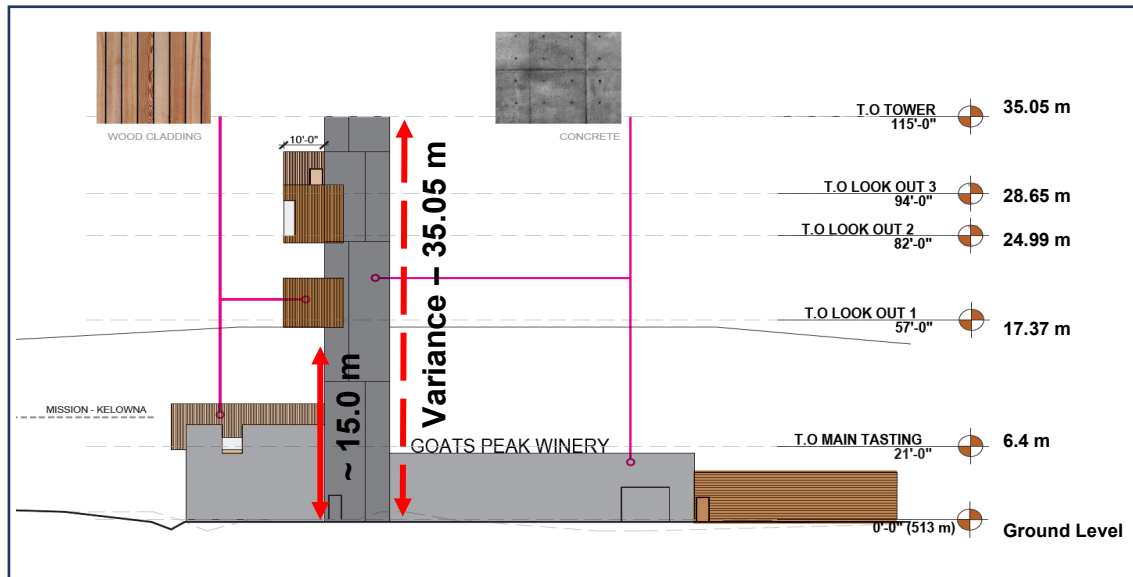


Figure 3 - Proposed Height Variance

Applicant's Rationale

The applicant has provided a rationale letter for the revised design of the building. The design feature of the building includes look-out pods that offer a different viewing experience in each pod, directing views to Okanagan Mountain Park, Mount Boucherie, and across the lake to Kelowna's wine district. The applicant feels the buildings unique design and height will become a landmark for the City of West Kelowna and



Figure 4 - Revised Proposal - Design Concept

create a destination for tourists to visit. The applicant has also noted that 4.3 acres of vineyard were planted in the Spring of 2020 and another 4.5 acres will be completed by the Spring of 2021.

Visual Impact Assessment

The applicant has provided renderings of the proposed building and additional details on how the proposed over height winery building could impact views (see Development Drawings, Attachment #2). The various viewpoints include Highway 97, Gellatly Road, and Gorman's Mill, in West Kelowna to illustrate the visual impact. The assessment indicates that the building would bring a visual interest from the highway.



Figure 5 - Views of Proposed Building from Hwy 97, Gellatly Road, Glenrosa Road

Policy and Zoning Bylaw Review

Official Community Plan Bylaw No. 0100

The City's Official Community Plan (OCP)'s guiding principles support protecting and enhancing agriculture while supporting an economically sound community¹. Specific Agricultural Land Use Designation objectives speak to supporting land use decisions which are consistent with the ALC and the City's Agricultural Plan, and promoting innovative agricultural activities².

The subject property borders the northern end of the Goats Peak Comprehensive Development Area which is envisioned to be a mix of residential and rural residential uses in the future. While the subject property is not located within the Comprehensive Development Area, general guidelines for the Goats Peak Comprehensive Development Area should be considered³. This includes the visual impact of the development from Okanagan Lake, Highways 97 and 97C.

Agricultural Plan

The City's Agricultural Plan encourages efforts to increase the economic activity of the agricultural industry⁴ as well as supporting agritourism activities⁵. The Agricultural Plan

¹ 2.5.1 OCP Guiding Principles for Planning & Design

² 3.3.8 Agricultural Land Use Designation Objectives

³ 3.2.12 Comprehensive Development Area Policies, Goat's Peak CD Area

⁴ Section 4.5.6 Recommendation 13: Economic Development Strategies

⁵ Section 4.5.9 Recommendation 16: Agritourism and Culinary Tourism

also provides a recommendation which encourages food processing on farms when the development is consistent with the ALC Act and Regulations⁶.

Zoning Bylaw No.0154

The subject property is zoned A1 – Agricultural, which permits a winery as a principal use. The revised proposal meets all of the development requirements including setback and parcel coverage for the A1 zone with the exception of building height for the proposed tasting facility. The A1 zone regulates the maximum building height of 15.0 m (49.2 ft) with exceptions for dwellings, agricultural worker dwellings, accessory buildings and carriage houses (5.0 m to 12.0 m) and for barns (20.0 m)⁷.

The redesigned production facility building height of 6.4 m meets the required building height maximum for the A1 Zone. However, the height variance of the redesigned tasting facility has remained significant. The proposed building height of 35 m is over double the current maximum height of 15 m (4 storeys). If the variance were to be approved, the proposed building would be the tallest in West Kelowna.

Agricultural Land Reserve (ALR) Regulation

Section 13(2) of the ALR Use Regulation requires that at least 50% of the primary farm product (grapes) used to make the alcohol product (wine) are harvested from the agricultural land on which the alcohol production facility (winery production building) is located. The ALC requires that the primary farm product be growing and harvestable prior to a winery being constructed on ALR lands⁸. The Non-Farm Use application was forwarded to the ALC for their consideration. To date the application is still under review by the ALC.

The ALC has also provided a policy which relates to development of farm structures for farm related commercial and industrial uses in the ALR. The guidelines in this policy recommend a lot coverage limit of 5% for parcels greater than 4 ha (10 acres) in order to limit the amount of land taken out of agricultural production. The lot coverage limit includes buildings, outdoor storage, landscaped areas, parking and loading areas and new access roads. The applicant's revised proposal indicates that the total non-farming use lot coverage is 31, 770 ft² or 3.7%. This is within the 5% of the parcel that could be developed.

Referral Comments

Referral comments from the original submission included advisory comments from Development Engineering and Building as well as considerations from the Ministry of Agriculture and Nav Canada (see October 13th Staff Report, Attachment #1). Since the initial application referral, the Fire Department also confirmed a high-rise firefighting program, with fire staff training and additional equipment, is required for a building of this height.

⁶ Section 4.5.10 Recommendation 17: Processing and Value-Added

⁷ Section 8.1.5 (e) Agricultural Zone (A1) – Development Regulations

⁸ ALR Use Regulation Part 2 Farm Uses – Alcohol Production 13 (2)

No referral comments on the revised proposal have been received at the time of writing this report. This application has been referred to both internal and external agencies and the comment deadline is June 4, 2021.

KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the AAC may wish to consider the following:

- The height is significant and is double the maximum permitted height in any zone;
- The development would be the tallest building in West Kelowna;
- Council requested detailed design drawings and recommended further public consultation; and
- The revised proposal meets all other development and siting regulations, and is within the ALC's recommended 5% lot coverage limit.

Specific comments would be appreciated should the AAC have any concerns with the proposed Development Variance Permit, DVP 20-08, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,



Hailey Rilkoff, Planner II

Powerpoint: Yes ☒ No ☐

Attachments:

1. Staff Council Report, October 13, 2020
2. Development Drawings



COUNCIL REPORT

CITY OF WEST KELOWNA PLANNING DEPARTMENT

ATTACHMENT: 1

FILE NO.: DVP 20-08



To: Paul Gipps, CAO

Date: October 13, 2020

From: Hailey Rilkoff, Planner II

File No: DVP 20-08 & A 20-01

Subject: **DVP 20-08 & A 20-02; Development Variance Permit & ALR Non-Farm Use;
2789 Highway 97 S**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 20-08) for Lot A, DL 3188, Plan 26860 Except Plan KAP63607 (2789 Highway 97 S) to allow construction of a winery building in general accordance with the attached permit to vary Zoning Bylaw No. 0154 Section 8.1.5(e) to increase the maximum building height from 15.0 m (49.2 ft) to 35.05 m (115 ft) for the proposed winery building, subject to the following conditions:

- a. An application to NAV Canada's Land Use Program is required to be submitted and completed prior to Building Permit issuance to assess if the proposed building would require further approvals from NAV Canada;
- b. Dimensions, siting and design of the new winery building to be constructed on the property in accordance with Schedule 'A'; and
- c. Exterior lighting shall be designed to not spill over onto, or create glare on, adjacent properties; and

THAT Council support the request to permit a non-farm use for a winery production and tasting building in the Agricultural Land Reserve (File: A 20-01) for Lot A, DL 3188, Plan 26860 Except Plan KAP63607 (2789 Highway 97 S); and further

THAT Council directs Staff to forward the application to the Agricultural Land Commission for consideration.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Growth in local business; Quality, innovative urban development; Continued growth in tourism (Council's 2020-2022 Strategic Priorities).

BACKGROUND

This application proposes a winery tasting and production building on the subject property. The proposed building requires a variance to increase the maximum building height from 15.0m to 35.05 m

Address			2789 Highway 97 S		
PID			004-988-914		
Folio			36414590.375		
Lot Size			17.8 acres (7.1 ha)		
Owner	Goats Peak Ltd.	BC1171993	Winery No	Agent	Darrel Monette (Monette Farms Ltd.) & Chris Nagy (Bronag Contracting Ltd.)
Current Zoning	A1 - Agricultural			Proposed Zoning	-
Current OCP	Agricultural			Proposed OCP	-
Current Use	Vacant			Proposed Use	Winery
Development Permit Areas			Hillside; Terrestrial		
Hazards			n/a		
Agricultural Land Reserve			Yes		

North	^	A1 – Agricultural (ALR) Zoned Parcel
East	>	A1 – Agricultural (ALR) Zoned Parcel
West	<	I3 – Timber Processing and Manufacturing (Gorman Bros. Lumber Mill) & C4 – Service Commercial Zoned Parcels
South	v	RU5 Rural Resource & RU3 Rural Residential Medium Parcel Zoned Parcels

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PROPERTY MAP



History

In 2018, an Agricultural Land Commission (ALC) Application was submitted for Transportation, Utility, and Recreation Uses that permitted the dedication and construction of a 20m wide Road Right of Way that will provide access to the Goat's Peak CDP area.

Proposal – Non Farm Use

The applicant proposes to construct a 557 m² (6,000 ft²) wine production facility and a 140 m² (1,500 ft²) tasting facility on the subject property to facilitate the development of a vineyard and winery, with the working name of Goat's Peak Winery. As the property is located within the Agricultural Land Reserve (ALR), regulations require that the primary farm product be harvestable prior to development of a winery. Therefore, approval for a Non-Farm Use from the Agricultural Land Commission (ALC) is required to construct the winery prior to the vineyard being planted and the grapes being harvestable.

Proposal - Variance

The proposed Goat's Peak Winery tasting and production building is proposed to exceed the maximum height regulated by the City's Zoning Bylaw. The proposed Winery Tasting Building is 140 m² in floor area and 35 m (115 ft) in height and has been conceptualized as a lighthouse. The City's A1 - Agricultural Zone limits the height of buildings to 15.0 m (49 ft).

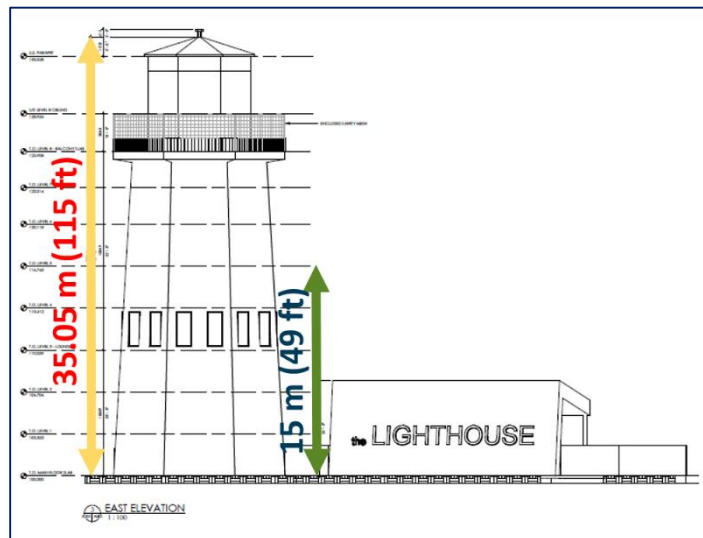


Figure 1 – Proposed Height Variance

Applicant's Rationale

Two letters of rationale have been provided by the applicant in regards to the Non-Farm Use and Development Variance Permit applications (*Attachment 2*). The applicant has indicated that the vineyard is not expected to produce until the harvest season of 2022/2023, and are requesting a 3 year relief from the requirement to harvest 50% of the primary farm product on site. The applicants have indicated they will secure a minimum of 50% of their annual production through lease agreements on other properties.

A smaller building footprint has been proposed to minimize the impact on the farmable land, however they feel the buildings unique theme and height will add to the development of the community and create a destination for tourists to visit.

In regards to the requested height variance, the applicant's vision is to make the Westside Wine Trail and West Kelowna a world destination for wine tourism. This proposed winery is intended '*to be a "beacon" for tourism and local pride ...*' and is inspired by other famous towers and iconic lighthouses.

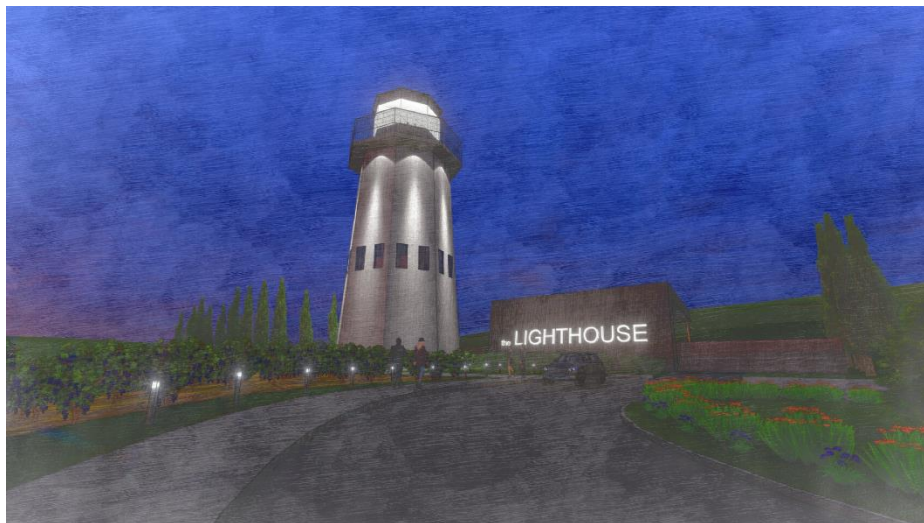


Figure 2 – Rendering of proposed winery building

Visual Impact Assessment

The applicant has provided a Visual Impact Assessment (*Attachment 3*) which provides additional details on how the proposed over height winery building could impact views. The assessment identifies views of the proposed building from various nearby roads (Figure 3). The assessment indicates that the building would bring visual interest from the highway and feels the lighthouse building would be an attractive feature on the landscape.



Figure 3 – View of proposed winery building from Gellatly Road

Policy & Bylaw Review

Official Community Plan Bylaw No. 0100

The City's Official Community Plan (OCP)'s guiding principles support protecting and enhancing agriculture while supporting an economically sound community¹. Specific Agricultural Land Use Designation objectives speak to supporting land use decisions which are consistent with the ALC and the City's Agricultural Plan and promoting innovative agricultural activities².

The subject property borders the northern end of the Goats Peak Comprehensive Development Area which is envisioned to be a mix of residential and rural residential uses in the future.

While Agricultural developments are not subject to a Development Permit process, where Commercial and Industrial developments would be, a general development guideline related to exterior lighting should be considered. Light pollution from the proposed lighthouse building could have negative impacts on future residential developments in the Goats Peak Comprehensive Development Area. To reduce light pollution, the building should be designed so that exterior lighting does not spill over onto or create glare on adjacent properties³.

Agricultural Plan

The City's Agricultural Plan recommends encouraging efforts to increase the economic activity of the agricultural industry⁴ as well as supporting agritourism activities⁵. However, the Agricultural Plan also provides a recommendation which encourages food processing on farms when the development is consistent with the ALC Act and Regulations⁶.

Zoning Bylaw No. 0154

The subject property is zoned A1 – Agricultural, which permits a winery as a principal use. The proposed development meets all of the development requirements including setbacks and parcel coverage for the A1 zone with the exception of building height. The A1 zone regulates the maximum building height of 15.0 m (49.2 ft) with exceptions which are lower for homes, agricultural worker dwellings, accessory buildings and carriage houses (5 m to 12 m) and higher for barns (20 m)⁷.

Agricultural Land Reserve (ALR) Use Regulation

Section 13 (2) of the ALR Use Regulation requires that at least 50% of the primary farm product (grapes) used to make the alcohol product (wine) are harvested from the agricultural land on which the alcohol production facility (winery production building) is

¹ 2.5.1 OCP Guiding Principles for Planning & Design

² 3.3.8 Agricultural Land Use Designation Objectives

³ OCP 4.3.1 General Guidelines That Apply to All Development Permit Areas 26. Exterior Lighting

⁴ Section 4.5.6 Recommendation 13: Economic Development Strategies

⁵ Section 4.5.9 Recommendation 16: Agritourism and Culinary Tourism

⁶ Section 4.5.10 Recommendation 17: Processing and Value-Added

⁷ Section 8.1.5 (e) Agricultural Zone (A1) - Development Regulations

located. The ALC requires that the primary farm product be growing and harvestable prior to a winery being constructed on ALR lands.⁸

ALC has also provided a policy which relates to development of farm structures for farm related commercial and industrial uses in the ALR. The guidelines in this policy recommends a lot coverage limit of 5% for parcels greater than 4 ha (10 acres) in order to limit the amount of land taken out of agricultural production. The lot coverage limit includes buildings, outdoor storage, landscaped areas, parking and loading areas and new access roads. The applicant's proposal indicates that they intend to meet this guideline of the 5% lot coverage limit (*Attachment 5*). The proposed building area is 1,080 m² while the proposed access road, parking, and landscaped areas total 2,456 m². Therefore the proposed lot coverage is a total of 3,536 m² or 4.42%. This is within the 3,576 m² or 5% of the parcel that could be developed.

Technical Review

Planning

The proposed use of a winery is permitted in the A1 Zone and is considered a farm-use under the ALR Use Regulation. The applicants have provided invoices for the purchase of plants (vines) and are committed to the development of a vineyard on the subject property. The non-farm use is only required as a transitional approval while the vineyard is being established.

The height variance of the proposed winery building is significant. The proposed building height of 35 m is over double the current maximum height of 15 m (4 storeys). 15 m is the highest permitted building height within any zone in the City of West Kelowna. There has been a site specific text amendment to permit up to 22 m high (6 storeys) for an apartment building development in Westbank Centre. If the variance were approved, the proposed building would be the tallest in West Kelowna.

Agricultural Advisory Committee (AAC)

The City's AAC considered the application at their June 4th, 2020 meeting held via Zoom video conferencing. Discussion points included:

- Proposed height doesn't impact agricultural footprint;
- The ALC policy which requires grapes to be planted prior to the winery

The AAC passed the following motions:

THAT the AAC support file A20-01, Non-Farm Use Application, 2789 Highway 97 South with the condition that the first five (5) acres be planted before construction.

THAT the AAC support DVP 20-08, DVP Application, 2789 Highway 97 South as presented.

⁸ ALR Use Regulation Part 2 Farm Uses – Alcohol Production 13 (2)

Ministry of Agriculture

The Ministry of Agriculture commented on a number of considerations with the application as proposed. The Ministry identified potential impacts to future residential neighbours in regards to noise from the winery production operations and liquor service hours for the lounge and tasting room. The Ministry also identified that the neighbouring agricultural property has a cherry orchard (to the north and east) and advised that the proposed building height may impact the use of helicopters as part of their operations.

Transport Canada & NAV Canada

Due to the proposed height of the winery building, the application was referred to Transport Canada to provide comments on potential impacts to air traffic. Transport Canada responded that the development does not propose any navigational concerns in regards to the Kelowna Airport, however indicated that an application to NAV Canada's Land Use Program should be submitted to assess if the project requires further approvals. The applicant will be required to submit this NAV Canada Application and provide details on any considerations to air traffic flight paths prior to a building permit being issued for the development.

Legislative Requirements

Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

Under Section 20 of the *Agricultural Land Commission (ALC) Act*, an owner may apply to the ALC for permission under S. 25 for a non-farm use. An application for non-farm use must not proceed to the ALC for consideration unless authorized by a resolution of the local government.

Public Notification

In accordance with the *Local Government Act*, 9 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment 6*) and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public had been received.

DISCUSSION

Supporting the growth of agri-business is a priority of the City's Economic Development Focus Plan, through programs such as the Westside Wine Trail. The creation of additional wineries can support agriculture while creating new jobs and investment. The proposed Goat's Peak Winery could become a bookend of the Westside Wine Trail with its location along the south-west highway entrance to the City. There are currently 15 destinations listed as members of the Westside Wine Trail, with more destinations under development.

The City's Official Community Plan and Agricultural Plan have no direct policies that address the form and character or height buildings on agricultural lands. The proposed

lighthouse building would stand out in the landscape and would be the tallest building in West Kelowna if constructed. The proposed building style of a lighthouse would be unique in the region and a one of a kind landmark. Other local wineries have structural landmarks such as the pyramid at Summerhill Pyramid Winery in Kelowna or the tower at Mission Hill Winery.

The Mission Hill Winery bell tower is a structure with a comparable height that is familiar in the landscape of West Kelowna. This tower, constructed as part of a major redesign of the winery which was completed in 2002, is 27.4 m (90 ft) tall from the plaza level (Figure 4) and the main grounds of the Mission Hill Winery, and is 33.8 m (111 ft) tall from the lower level (Figure 5).

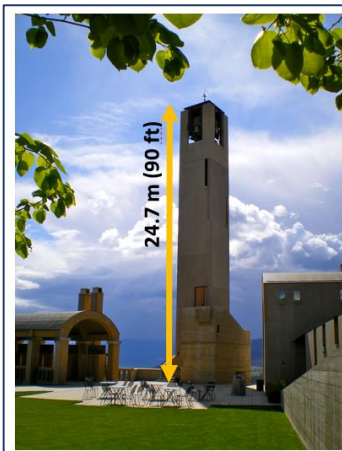


Figure 4 – Plaza Level Height Comparison

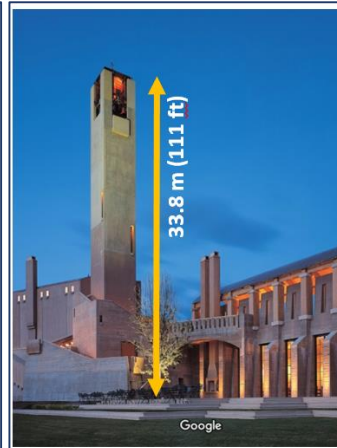


Figure 5 – Lower Level Height Comparison



The proposed lighthouse winery building would be 1.2m (4 ft) higher than the Mission Hill Winery bell tower (*Attachment 4*). The Mission Hill Winery tower is approximately 11 ft wide at the top, and 20 ft wide at the base. The proposed lighthouse winery building would be approximately 27 feet wide at the top and 45 ft wide at the base.

If the Development Variance Permit Application was approved by Council, and the Non-Farm Use Application were supported and subsequently approved by the ALC, the applicants could apply for a Building Permit to begin construction.

CONCLUSION

It is recommended that Council approve the proposed variance application DVP 20-08 and support the Non-Farm Use ALR application (A 20-01). The proposed winery building is not anticipated to create significant negative impacts and the applicant has provided documentation to support the intended planting of a vineyard.

ALTERNATE MOTIONS

Alternate Motion 1: Deny Variance, Support ALR Non-Farm Use

THAT Council deny the issuance of a Development Variance Permit (DVP 20-08) for Lot A, DL 3188, Plan 26860 Except Plan KAP63607 (2789 Highway 97 S); and

THAT Council support the request to permit a non-farm use for a winery production and tasting building in the Agricultural Land Reserve (File: A 20-01) Lot A, DL 3188, Plan 26860 Except Plan KAP63607 (2789 Highway 97 S); and further

THAT Council directs Staff to forward the application to the Agricultural Land Commission for consideration.

Should Council deny the requested variance, the file will be closed. The applicants would be advised to redesign the proposed winery building to meet the Zoning Bylaw's height regulations. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

A local government report will be sent to the ALC advising that Council supports the Non-Farm Use application.

Alternate Motion 2: Approve Variance, Not Support ALR Non-Farm Use

THAT Council authorize the issuance of a Development Variance Permit (DVP 20-08) for Lot A, DL 3188, Plan 26860 Except Plan KAP63607 (2789 Highway 97 S) to allow construction of a winery building in general accordance with the attached permit to vary Zoning Bylaw No. 0154 Section 8.1.5(e) to increase the maximum building height from 15.0 m (49.2 ft) to 35.05 m (115 ft) for the proposed winery building, subject to the following condition:

- a. An application to NAV Canada's Land Use Program is required to be submitted and completed prior to Building Permit issuance to assess if the proposed building would require further approvals from NAV Canada;
- b. Dimensions, siting and design of the new winery building to be constructed on the property in accordance with Schedule 'A'; and
- c. Exterior lighting shall be designed to not spill over onto, or create glare on, adjacent properties; and

THAT Council not support the request to permit a non-farm use for a winery production and tasting building in the Agricultural Land Reserve (File: A 20-01) for Lot A, DL 3188, Plan 26860 Except Plan KAP63607 (2789 Highway 97 S); and further

THAT Council directs Staff to forward the application to the Agricultural Land Commission for formal consideration.

Should Council choose this motion, the Development Variance Permit would be issued and a local government report will be sent to the ALC advising that Council does not support the Non-Farm Use application. By forwarding the application, Council is advising their non-support, but defers to the ALC for a formal decision.

Alternate Motion 3: Deny Variance, Not Support ALR Non-Farm Use

THAT Council deny the issuance of a Development Variance Permit (DVP 20-08) for Lot A, DL 3188, Plan 26860 Except Plan KAP63607 (2789 Highway 97 S); and

THAT Council not support the request to permit a non-farm use for a winery production and tasting building in the Agricultural Land Reserve (File: A 20-01) for Lot A, DL 3188, Plan 26860 Except Plan KAP63607 (2789 Highway 97 S); and further

THAT Council directs Staff to forward the application to the Agricultural Land Commission for formal consideration.

Should Council choose this motion, the file will be closed. The applicants would be advised to redesign the proposed winery building to meet the Zoning Bylaw's height regulations. A local government report will be sent to the ALC advising that Council does not support the Non-Farm Use application, but defers to the ALC for a formal decision.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft DVP 20-08
2. Applicant's Rationale Letters
3. Visual Impact Assessment
4. Height Comparison
5. Site Coverage Assessment
6. Public Notification Map

GOATS PEAK WINERY

2789 HWY 97 WEST KELOWNA

DESIGN PROPOSAL FOR HEIGHT VARIANCE

MAY 14, 2021

CONTENTS

DESIGN RATIONAL + BYLAW REVIEW

EAST FACING CONCEPT IMAGE

CITY SCALE PLAN
CITY SCALE SECTION
SITE PLAN

LOCATION VIEW 1
LOCATION VIEW 2
LOCATION VIEW 3
LOCATION VIEW 4
LOCATION VIEW 5
LOCATION VIEW 6

LOWER FLOOR PLAN (PRODUCTION)
MAIN FLOOR PLAN (TASTING AREA)
LOOK-OUT PLANS

ELEVATION LOOKING SOUTH
ELEVATION LOOKING EAST
BUILDING SECTION LOOKING EAST

WEST FACING CONCEPT IMAGE

DESIGN RATIONAL

THE VINEYARD

This property is currently being planted with grape vines. Darrel Monette, the owner of the property is a farmer and is in the process of developing a vineyard on the property. 4.3 acres of vineyard were planted in the Spring of 2020 and another 4.5 acres is currently being planted and should be completed by the Spring of 2021. Along with the vineyard, the vision for Goats Peak Winery is to have a tasting room look-out tower and production building for visitors to see and taste the product being created.

BOOK-END WINE TRAIL

This future winery is a significant site as it will be visible as one enters or exits the City of West Kelowna. Goat's Peak Winery will be the book-end of West Kelowna's wine trail. Located across Highway 97 from Gorman's Mill, the site looks down towards Gellatly Bay with a panoramic view of the Okanagan Lake and mountains beyond. It is not hard to imagine watching the sunset reflecting across the water as you sip a glass of wine at Goat's Peak Winery.

LOOK-OUT DESTINATION

Everywhere we hike or bike in the Okanagan, we seem to find new viewpoints to appreciate this place we live. It is our goal, to put Goat's Peak Winery on that bucket list. This winery is intended to be a destination stop for visitors to be able to experience the westside from a different vantage point. The walking trails and parkland already situated on Goat's Peak will compliment this winery as a look-out destination.

This project has the potential to be a symbol for the community. The maximum height within the A-1 Agriculture zone for the City of West Kelowna as defined in the zoning bylaw is 49.2 ft. We feel upon studying the site conditions, that the height and scale of the look-out tower will require a variance from the City of West Kelowna for a max. height of 115 ft. Darrel envisions being able to point out the three look-out pods to his children from his home, across the lake in Kelowna. This structure aims to be a landmark within our town, celebrating our fruit farming industry and the views of our incredible landscape.

MATERIALITY + VIEWS

It is our goal to design a project that we are proud of and that the community will also support. As such, we feel designing a building that responds to the local landscape and culture as a guiding principle to this project. Although the main structure and plinth will be constructed of concrete, the look-out pods will be clad in wood as a nod to the local mill. The main tasting room and patio will direct views to Okanagan Mountain Park and across the Lake to Kelowna's Wine district. The design features a small look-out that cuts through a sound/privacy wall to allow the guest to see Mount Boucherie. Each pod on the tower will also feature a different viewing experience.

CITY OF WEST KELOWNA ZONING BYLAW No. 0154 REFERENCE:

8.1 AGRICULTURAL ZONE (A1)

Min. Parcel Area 4.0 ha

Minimum parcel frontage 30 m

Max. Parcel Coverage: For all uses, buildings and structures other than a greenhouse 35%

Maximum building height is 15.0 m (49.2 ft) except for the following:

Barn 20.0 m (65.6 ft)

Height Variance Requested

Setbacks:

Front parcel boundary: 6 m

Rear parcel boundary: 3m

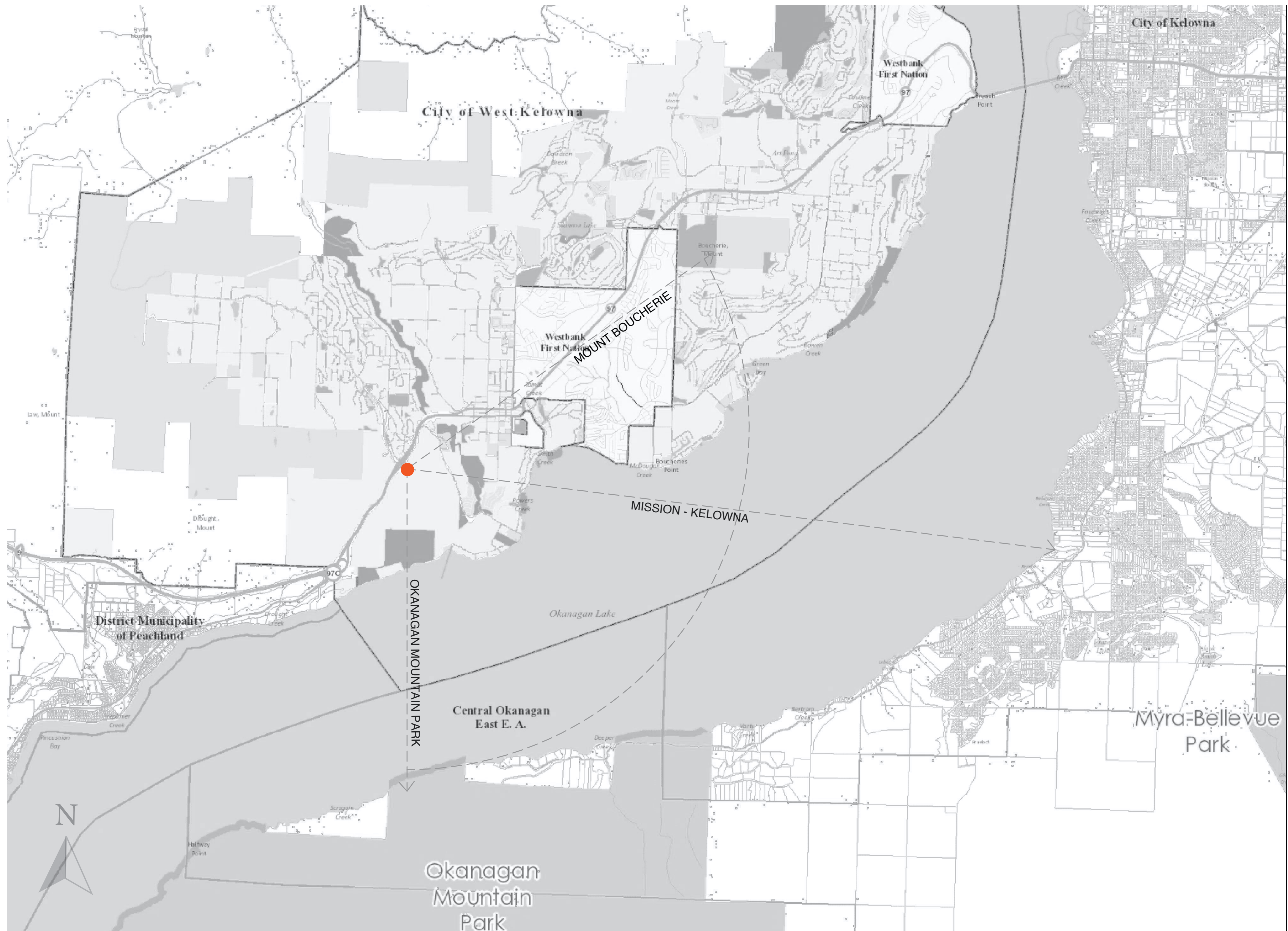
Interior side parcel boundary: 3m

Exterior side parcel boundary: 4.5m



EAST FACING CONCEPT IMAGE

GOATS PEAK WINERY

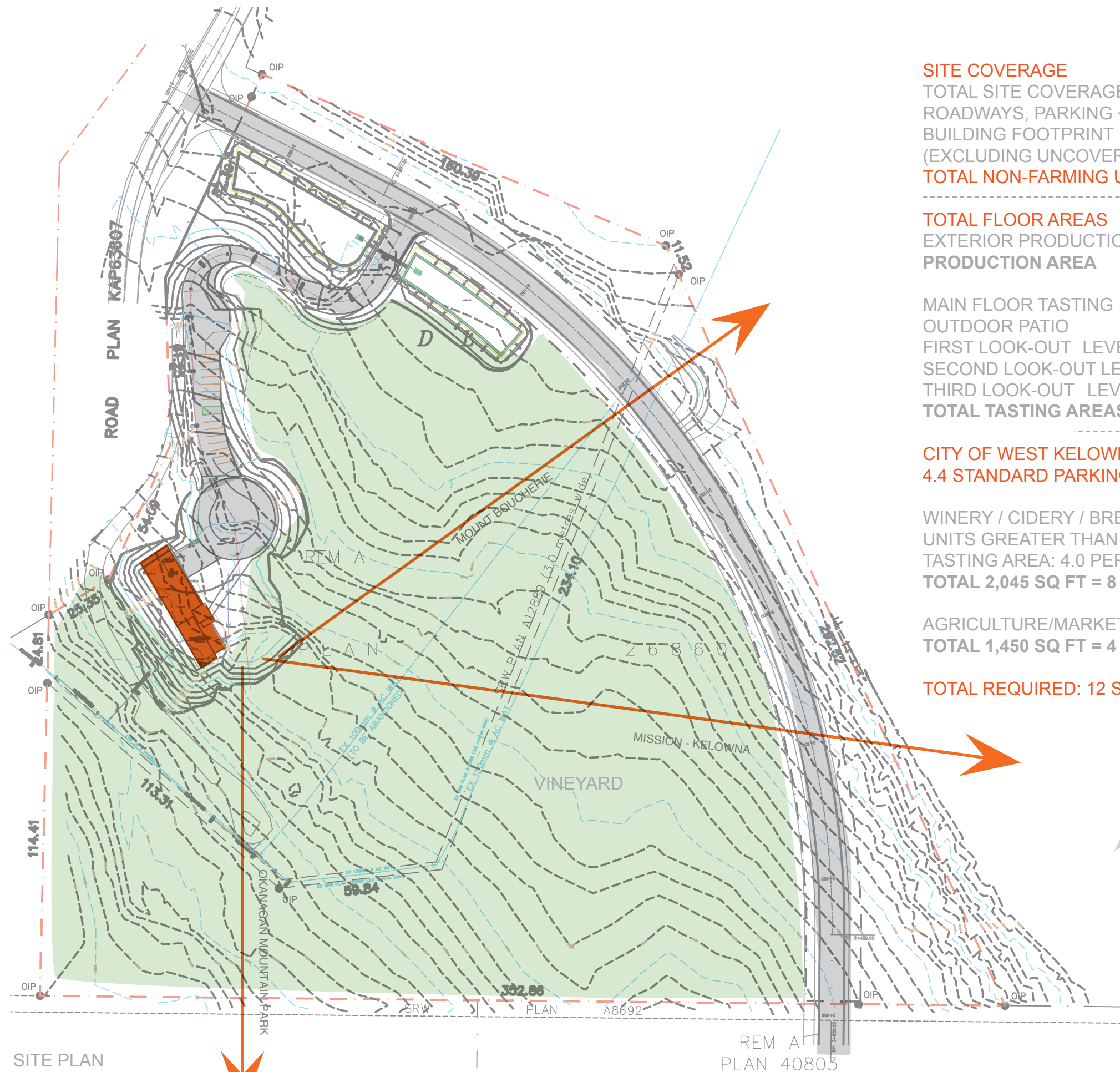


CITY SCALE PLAN

GOATS PEAK WINERY



CITY SCALE SECTION
GOATS PEAK WINERY



SITE PLAN

GOATS PEAK WINERY

REM A
PLAN 40803

SITE COVERAGE

TOTAL SITE COVERAGE	861,985 sq ft (80,081m ²)	
ROADWAYS, PARKING + SIDEWALK AREA	26,063 sq ft	3%
BUILDING FOOTPRINT (EXCLUDING UNCOVERED CRUSH AREA)	5,707 sq ft	0.7%
TOTAL NON-FARMING USE	31,770 sq ft	3.7%

TOTAL FLOOR AREAS

EXTERIOR PRODUCTION CRUSH PAD AREA	5,330 sq ft
PRODUCTION AREA	1,450 sq ft

MAIN FLOOR TASTING	746 sq ft
OUTDOOR PATIO	544 sq ft
FIRST LOOK-OUT LEVEL	174 sq ft
SECOND LOOK-OUT LEVEL	227 sq ft
THIRD LOOK-OUT LEVEL	354 sq ft
TOTAL TASTING AREAS	2,045 sq ft

CITY OF WEST KELOWNA ZONING BYLAW No. 0154

4.4 STANDARD PARKING SPACE

WINERY / CIDERY / BREWERY / DISTILLERY/ MEADERY

UNITS GREATER THAN 100 M² (1,076.4 FT²) GFA

TASTING AREA: 4.0 PER 100 M² (1,076.4 FT²) GFA

TOTAL 2,045 SQ FT = 8 STALLS

AGRICULTURE/MARKET PRODUCE: 2.0 PER 100 M² (1,076.4 FT²) GFA

TOTAL 1,450 SQ FT = 4 STALLS

TOTAL REQUIRED: 12 STALLS, PROVIDED: 14 STALLS





LOCATION 1
HWY 97 BELOW GLENROSA

GOATS PEAK WINERY



LOCATION 2
JUST PAST THE CHERRY PIT AT TOP OF HILL

GOATS PEAK WINERY



LOCATION 3
GELLATLY ROAD JUST PAST THE GRAVEYARD

GOATS PEAK WINERY



LOCATION 4
GELLATLY ROAD BESIDE THE CHERRY ORCHARD

GOATS PEAK WINERY



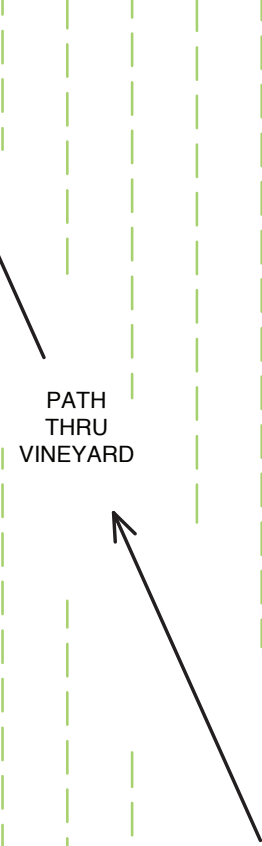
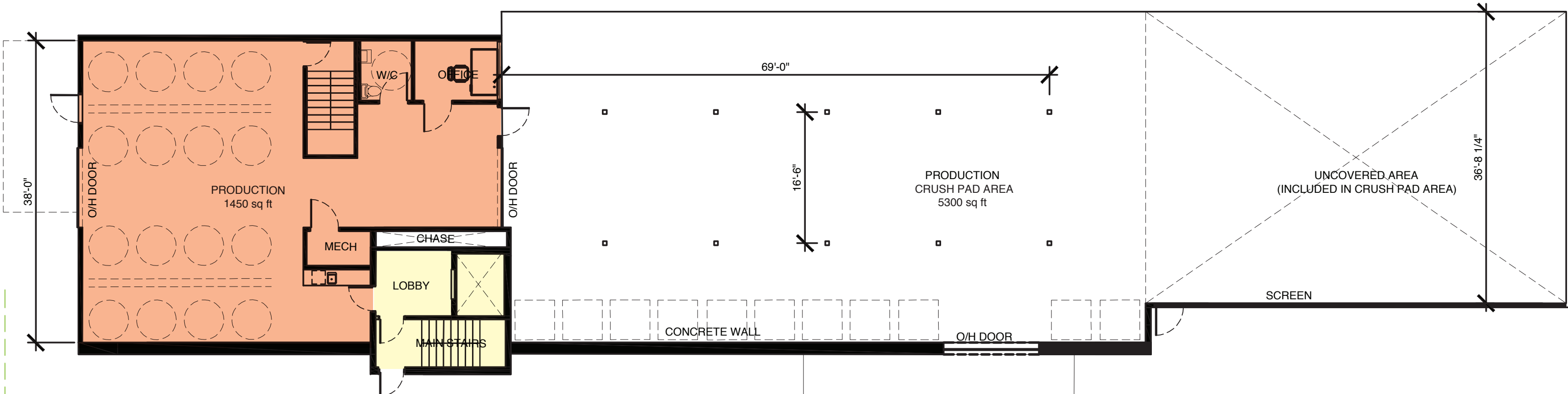
LOCATION 5
BESIDE GORMAN'S MILL JUST BEFORE OVERPASS

GOATS PEAK WINERY



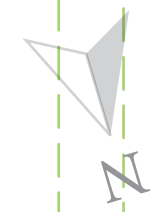
LOCATION 6
GELLATLY ROAD NEAR THE BEACH + BENNETT PROPERTY

GOATS PEAK WINERY

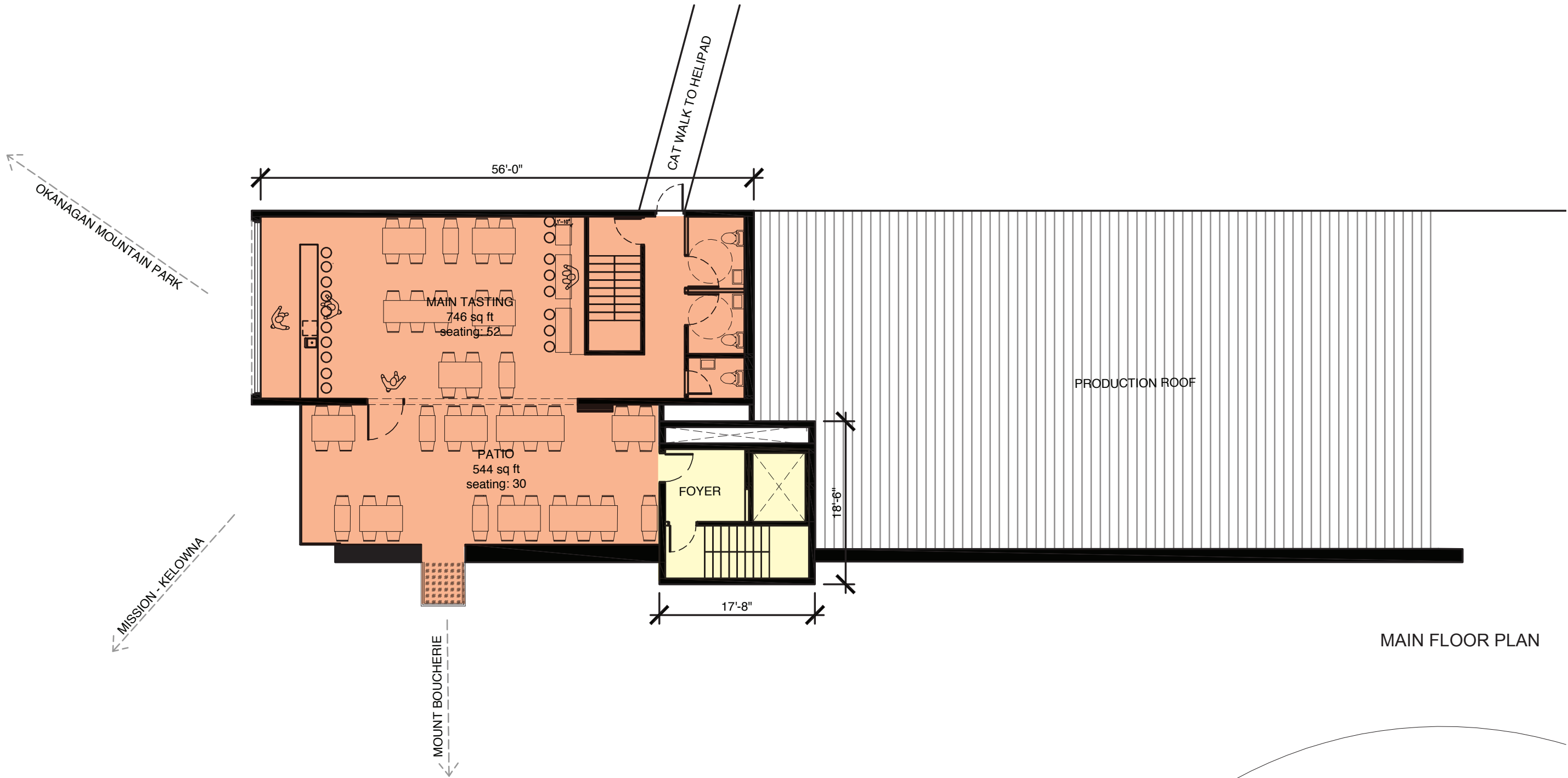


ACCESS TO PRODUCTION

ROADWAY

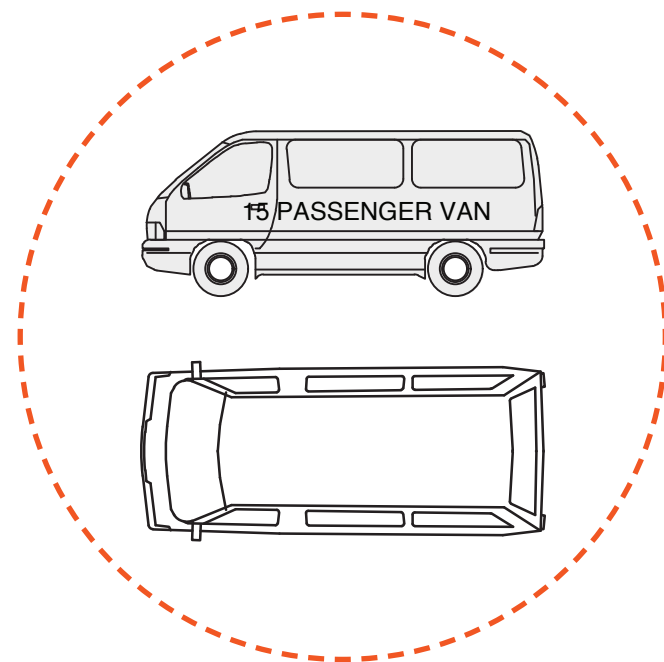


LOWER FLOOR PLAN
GOATS PEAK WINERY

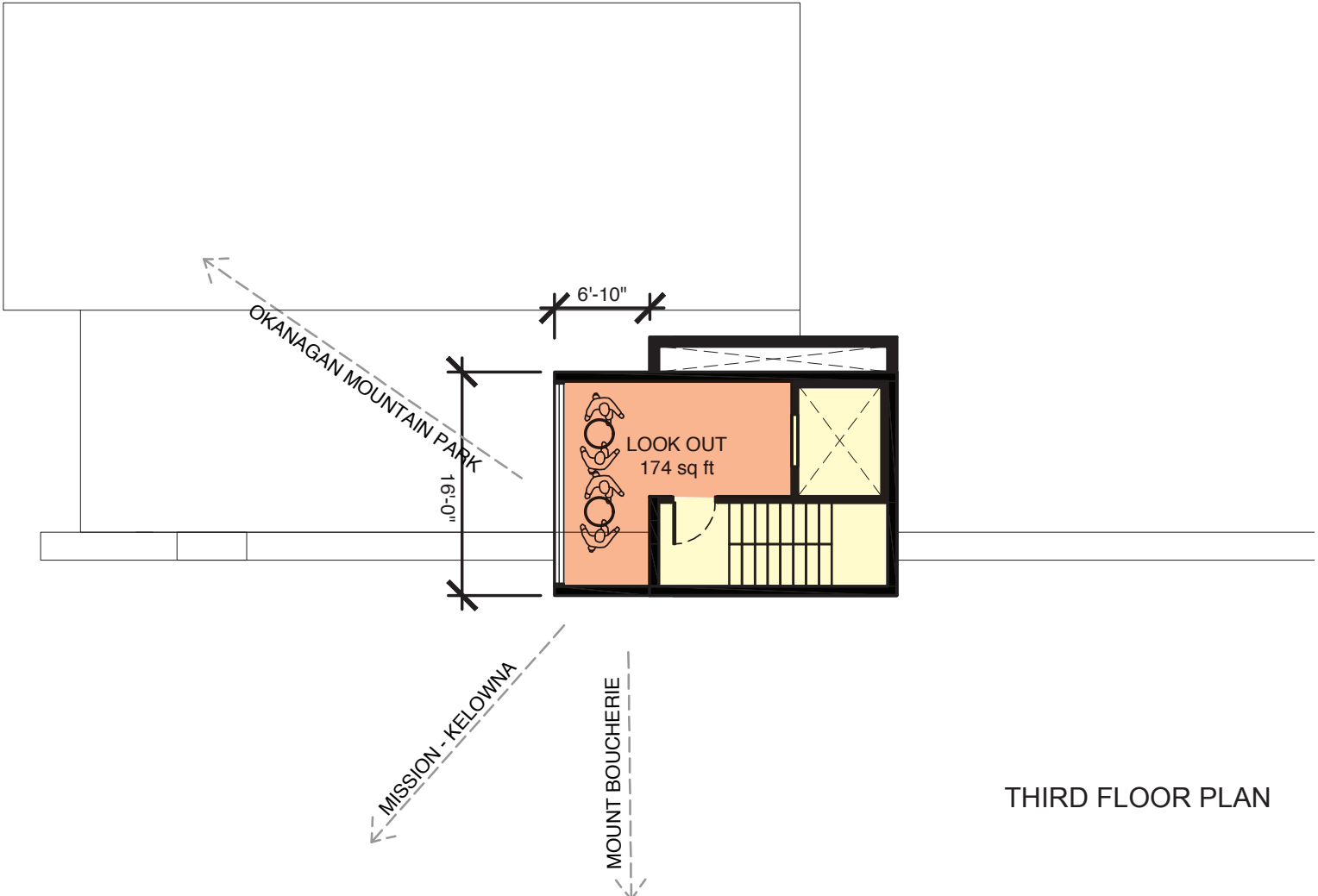


MAIN FLOOR PLAN

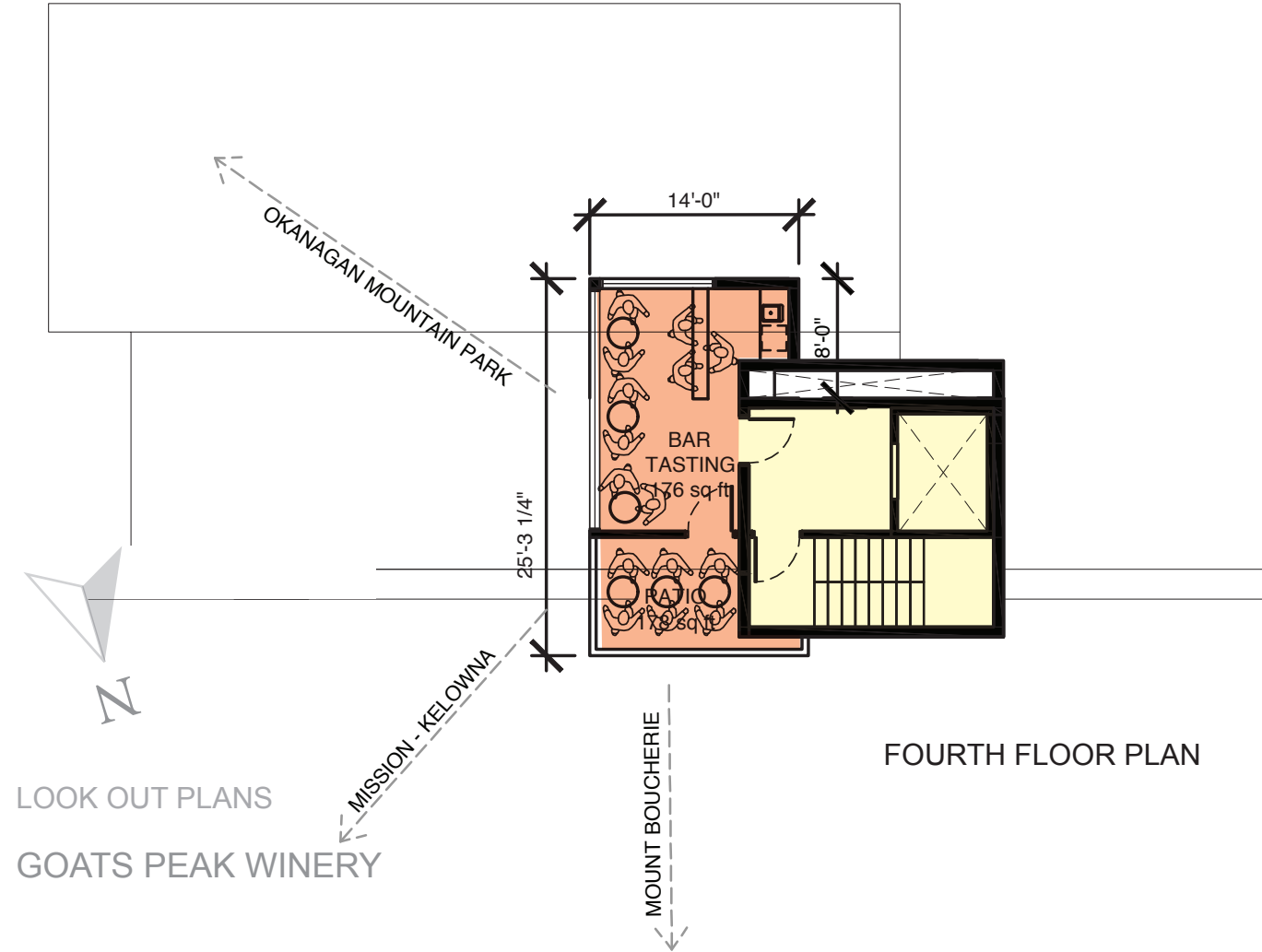




ONE 15 PASSENGER VAN

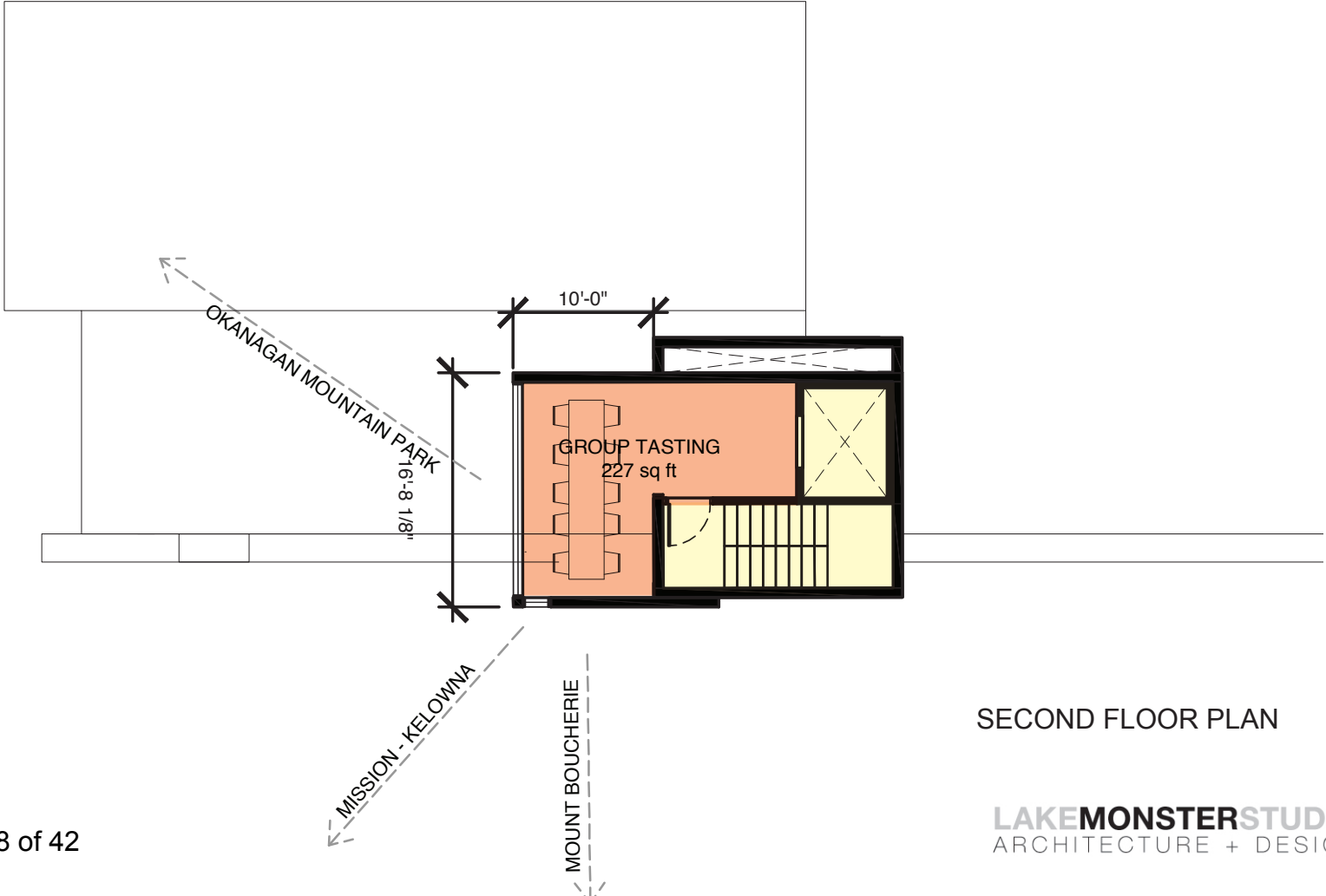


THIRD FLOOR PLAN

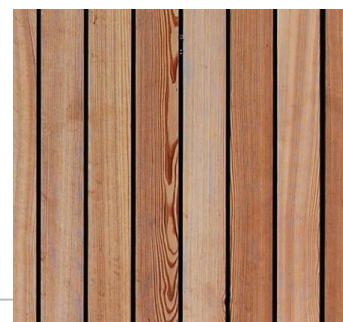


FOURTH FLOOR PLAN

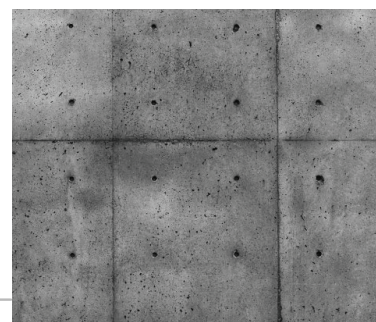
LOOK OUT PLANS
GOATS PEAK WINERY



SECOND FLOOR PLAN

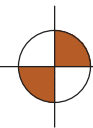


WOOD CLADDING

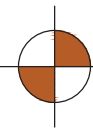


CONCRETE

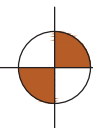
T.O TOWER
115'-0"



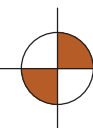
T.O LOOK OUT 3
94'-0"



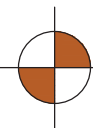
T.O LOOK OUT 2
82'-0"



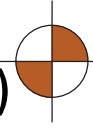
T.O LOOK OUT 1
57'-0"



T.O MAIN TASTING
21'-0"



0'-0" (513 m)



10'-0"

GOATS PEAK WINERY

MISSION - KELOWNA

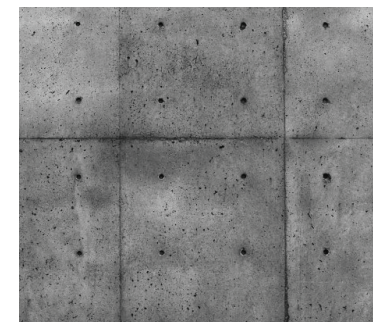


ELEVATION LOOKING SOUTH

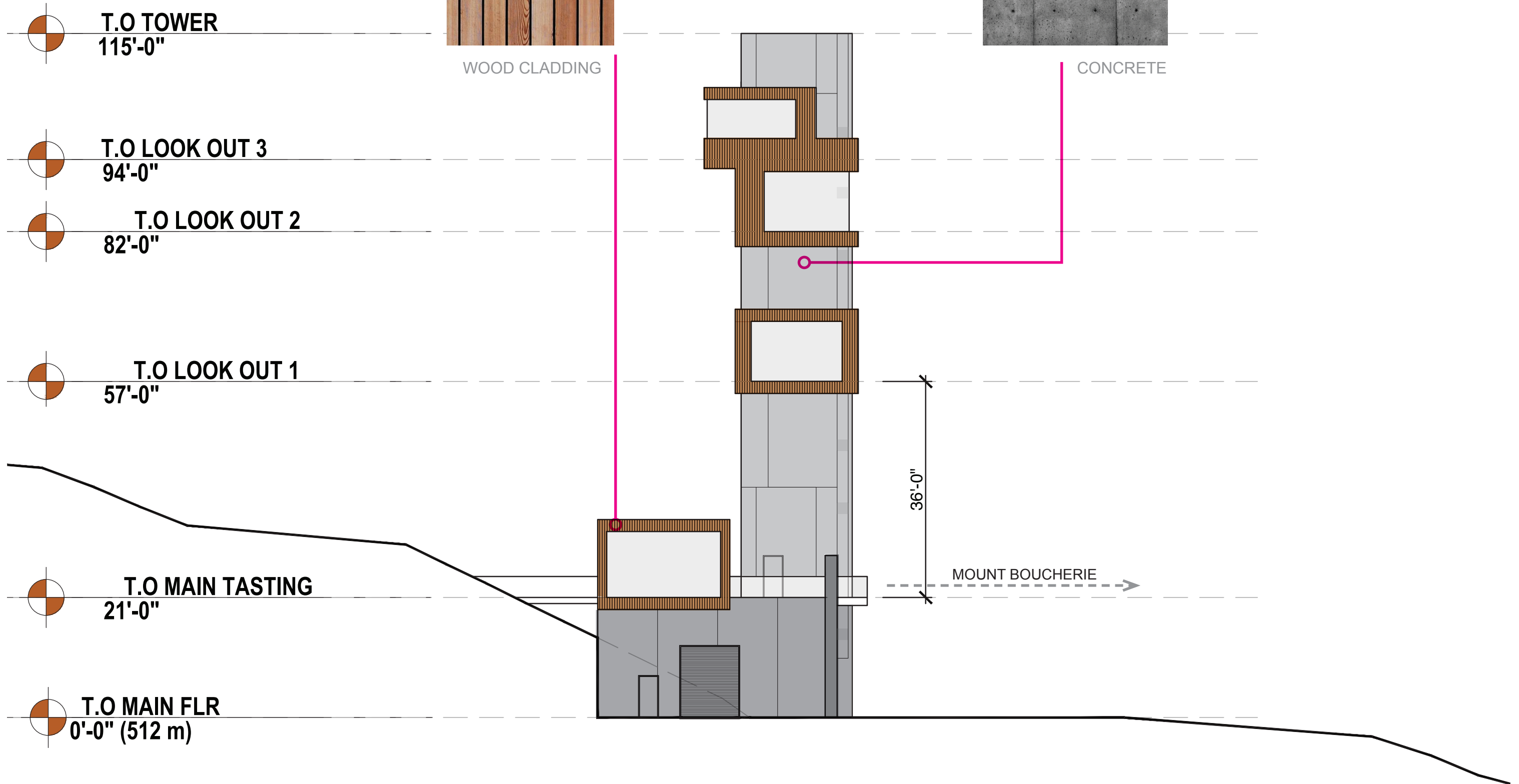
GOATS PEAK WINERY

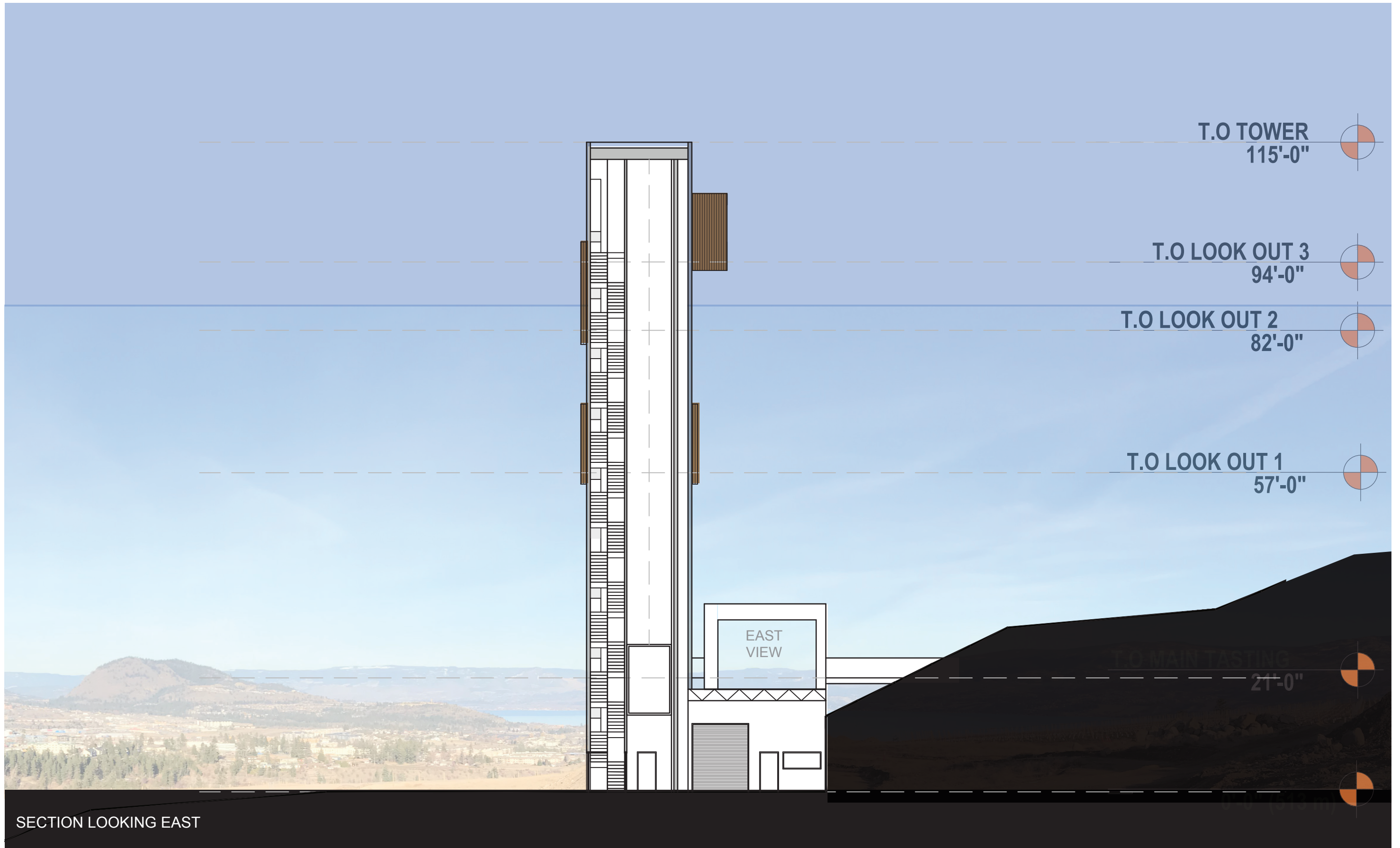


WOOD CLADDING



CONCRETE







WEST FACING CONCEPT IMAGE

GOATS PEAK WINERY