

May 4, 2023

Address & Legal Description:

1350 Naramata Road

Lot 120, District Lots 199 and 672,
Similkameen Division Yale District, Plan
451, Except (1) Parcel L Plan A57 (2) Plan
M11079

Subject & Proposal

Development Variance Permit
PL2023-9576



The applicants are proposing to keep an outdoor lounge area associated with the winery (Hillside Cellars Winery Ltd.). The current outdoor lounge area was approved during a COVID exemption to liquor licensing processes. The applicant is proposing an outdoor lounge area of 370m², which exceeds the maximum area of 233m² (permitted through previous City and ALC approvals). As such, the applicants have applied to vary the following section of Zoning Bylaw 2023-08:

- Section 9.2.4.1.c: To increase the area devoted to food and beverage service for a winery from 233m² to 370m².

Council Consideration:

Council will consider the Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, May 16, 2023** in Council Chambers at Penticton City Hall, 171 Main St.

All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Information:

You can find the staff report to Council and Development Variance Permit PL2023-9576 on the City's website at www.penticton.ca/publicnotice or scan the QR code on the right.

Please contact the file manager Nicole Capewell at 250-490-2517 or nicole.capewell@penticton.ca with any questions.



Public Comments:

Any person whose interest may be affected by the proposed Development Variance Permit, may submit a petition or written comments by mail or email no later than **9:30 am, May 16, 2023**, to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: corpadmin@penticton.ca

Please ensure the following is included in your correspondence:

Subject: 1350 Naramata Rd.

No letter, report or representation from the public will be received by Council after the conclusion of the May 16, 2023 Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay

Planning & Licencing Manager



Council Report

penticton.ca

Date: May 16, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 1350 Naramata Road

Subject: ALR Non-Farm Use PL2022-9487
Development Variance Permit PL2023-9576

File No: RMS/1350 Naramata Rd

Staff Recommendation

ALR Non-Farm Use

THAT Council support "ALR Non-Farm Use PL2022-9487", for Lot 120 District Lot 199 and 672 Similkameen Division Yale District Plan 451 Except Plan (1) Parcel L Plan A57 (2) Plan M11079, located at 1350 Naramata Road, to increase the maximum size of an outdoor lounge from 233m² to 370m²;

AND THAT staff be directed to forward "ALR Non-Farm Use PL2022-9487", to the Agricultural Land Commission (ALC) with support from Council.

Development Variance Permit

THAT Council approve "Development Variance Permit PL2023-9576", for Lot 120 District Lot 199 and 672 Similkameen Division Yale District Plan 451 Except Plan (1) Parcel L Plan A57 (2) Plan M11079, located at 1350 Naramata Road, to vary Zoning Bylaw No. 2023-08 Section 9.2.4.1.c to increase the maximum size of the area devoted to food and beverage service for a winery from 233m² to 370m² for outdoor areas;

AND THAT Council direct staff to issue "Development Variance Permit PL2023-9576", subject to the Agricultural Land Commission approving "ALR Non-Farm Use PL2022-9487".

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The applicants are proposing to keep an outdoor lounge area associated with the winery (Hillside Cellars Winery Ltd.) on the subject property at 1350 Naramata Road. The current outdoor lounge area was approved during a COVID exemption to liquor licensing processes. The applicant is proposing an outdoor lounge area

of 370m², which exceeds the maximum area of 233m² (permitted through previous City and ALC approvals) allowed for on the property currently. As such, the applicants have applied for the following:

1. Non-Farm Use application with the Agricultural Land Commission, to increase the size of an outdoor lounge area from 233m² to 370m², and
2. A variance to Section 9.2.4.1.c of Zoning Bylaw No. 2023-08, to allow the area devoted to food and beverage service for a winery to increase from 233m² to 370m².

Background

Subject Property

The subject property is located on the east side of Naramata Road, and along the Kettle Valley Rail (KVR) Trail (Figure 1). The subject property features a vineyard, winery and associated bistro and tasting room operating under the name 'Hillside Cellars Winery Ltd.'. The property is just over 2.5 ha in size, and is zoned A (Agriculture), and is designated by the City's Official Community Plan (OCP) as Agriculture. The property is located entirely within the Agricultural Land Reserve (ALR).

Previous Approval

In 2012, the subject property proceeded through a similar Non-Farm Use application to expand the outdoor lounge areas associated with the winery from 125m² to 233m². This was supported by Penticton City Council and later approved by the Agricultural Land Commission. The ALC indicated within their 2012 decision that the expansion of lounge area "does not affect the arable area of the property, because they are located on the winery rooftop and partly on the ground floor at the edge of the winery structure". The 2012 ALC decision further indicated that "the winery lounge patio is supportive of agriculture because it enhances wine sales and overall wine production in the ALR". Given this previous 2012 approval, the applicants request is to increase the size from the previously allowed 233m².



Figure 1 - Property Location Map

COVID-19 Impacts on Liquor Licensing

In response to the COVID-19 pandemic and the Provincial Health Officer's (PHO) orders, the Liquor and Cannabis Regulation Branch (LCRB) implemented Temporary Expanded Service Area (TESA) authorizations starting in May 2020. A TESA authorizes Food Primary, Liquor Primary and Manufacturer licensees to temporarily expand their service areas, but does not increase the approved occupant load or capacity. The increased service area allows licensees to serve patrons while complying with the PHO's guidelines regarding physical distancing. Many of the businesses that had approved TESA application are now looking at making their increased service areas permanent.

The Agricultural Land Reserve Use Regulation (section 13) and City of Penticton Zoning Bylaw Section 9.2.4.1.c both establish a maximum area for indoor and outdoor lounge service areas, which is 125 m² indoors and 125 m² outdoors. Throughout the COVID-19 pandemic, the TESAs allowed for the expanded service areas on a temporary basis to ensure safe physical distancing of patrons.

TESA approvals were temporary in nature, and when the COVID-19 pandemic and PHO's guidelines regarding physical distancing were relaxed, expiration dates for TESA approvals were given. Some liquor establishments are wishing to maintain those expanded service areas permanently, and in order to do so, approvals from the local government is required prior to consideration of the license by the LCRB.

This is the situation of Hillside Cellars Winery Ltd.; they received a TESA to allow for an expanded service area to comply with COVID-19 physical distancing requirements, and now wish to make this area a permanent part of their outdoor lounge. As such, they are required to meet the Agricultural Land Commission Use Regulation and the City's Zoning Bylaw in order for this to be a permanent change to the operations. The applicants are requesting a Non-Farm Use application (ALC) and a variance to the City's Zoning Bylaw to allow up to a maximum size of 370 m² for the outdoor lounge area.

This request represents an increase of 137m² of outdoor lounge area (i.e. area devoted to food and beverage service) from the currently permitted 233m². If approved, the property would be allowed a total of 370m² of outdoor lounge area, and 125m² of indoor lounge area.

Technical Review

The proposed development was referred to the Technical Planning Committee (TPC), a committee of various City departments that comment on development applications. Minimal comments were received given the scope of the proposed developments. The applicants will be required to work with City staff to ensure all requirements will be met for any building permit and liquor licensing, should Council and the ALR support the lounge area increases.

Typically applications that have an agricultural component would be referred to the City's Agriculture Advisory Committee. However, at this time, the Committee is not yet operating. As such, staff referred the application to the Ministry of Agriculture, which reviewed the proposal and provided a letter to City staff (Attachment 'G'). The letter indicates that the request as proposed will not likely adversely impact the agriculture operation or interfere with the existing farming activities on the parcel.

Analysis

Agricultural Land Commission (ALC) Legislation

The *Agricultural Land Reserve Use Regulation*, Section 13, establishes a maximum area for indoor and outdoor lounge service areas, which is 125 m² indoors and 125 m² outdoors. The applicants were approved for a maximum of 233m² of outdoor lounge area in 2012 from the ALC. The applicants are now seeking a further increase of 137m², allowing for a total of 370m² of outdoor lounge area. In order to do so, the applicants have requested a Non-Farm Use application from the ALC.

Zoning Bylaw

The City's Zoning Bylaw establishes a maximum size that can be devoted for food and beverage service area of 125m² indoors and 125m² outdoors. These limitations align with the Agricultural Land Commission regulations. The applicant is requesting a variance to increase this size from the previously approved 230m², to 370m².

Staff Analysis

The applicant has provided plans that show where the outdoor lounge expansion would be located. The areas of expansion for the lounge are located directly adjacent to the winery building and between the winery and a driveway (Figure 2).



Figure 2 - Location of Outdoor Lounge Expansion

Staff have reviewed the requested ALR Non-Farm Use and Zoning Bylaw variance to increase the outdoor lounge area from 125m² to 370m² and are recommending support for the following reasons:

1. The proposed lounge expansion is anticipated to have low impact to surrounding areas, and the winery itself. The lounge area is part of the winery, and is separated from the vineyard by an existing driveway. Given that the vineyard is clearly delineated from the winery and the area proposed for a lounge expansion, staff do not feel that this expansion would adversely impact the agricultural operation or interfere with the existing farming activities on the site.
2. The use of a vineyard, winery and tasting room is permitted by the Zoning Bylaw.

3. Since the TESA expanded service area has been allowed at the subject property, no complaints have been received by the City as a result of additional area being used for the outdoor lounge area.
4. The Ministry of Agriculture provided a letter that there is not likely to be adverse impacts to the agriculture operation on the property as a result of the proposed expansion (Attachment 'G').

Approval Timing	Floor Area Permitted
Permitted through ALR and Zoning Bylaw	125m ²
Permitted permanently through 2012 ALR Non-Farm Use Application	233m ² (permanent increase of 108m ²)
Permitted temporarily through the 2022 TESA	370m ² (temporary increase of 137m ²)
Requesting permanently through 2023 ALR Non-Farm Use Application	370m ² (permanent increase of 137m ²)

Further, the subject property is designated as Agriculture by the City's OCP and is zoned A (Agriculture) in the City's Zoning Bylaw. The use of the property as a vineyard, winery with associated bistro and tasting room are permitted under the City's Zoning Bylaw and are supported through the OCP designation. There are several goals and policies within the OCP in regard to the use of agricultural lands:

OCP Goal	Business Retention and Expansion
4.3.5	Create conditions for business to succeed and thrive as long-term contributors to the economy.
OCP Goal	Support, Protect and Enhance Agriculture
4.5.1	Support, protect and enhance agriculture as a central component of Penticton's economy, character and identity.

Given the reasons above, as well as the OCP policy support to ensure agricultural areas are supported, staff consider the request is reasonable in this instance. As such, staff are recommending that Council provide support for the ALR Non-Farm Use Application and approve the requested variance permit, subject to the Agricultural Land Commission (ALC) ultimately approving the Non-Farm Use Application.

Should Council and the ALC eventually approve the requests, the applicant will be responsible to ensure proper building permits and liquor licensing are acquired prior to operation of the expanded lounge area.

Alternate Recommendations

Council may consider that the requested increase to lounge areas is unreasonable in this instance or may negatively impact the surrounding area. If this is the case, staff recommend that Council postpone a decision on the file, until such time as the applicant is able to appear before Council and provide any further justification or answer any questions that Council may have (Alternative #1). Alternatively, Council may deny the application without hearing from the applicant (Alternative #2), although staff are not recommending this option. Development Variance Permit PL2023-9576", subject to the Agricultural Land Commission approving "ALR Non-Farm Use PL2022-9487".

1. THAT Council postpone a decision on “ALR Non-Farm Use PL2022-9487” and “Development Variance Permit PL2023-9576”, until after hearing from the applicant.
2. THAT Council not support “ALR Non-Farm Use PL2022-9487” and deny “Development Variance Permit PL2023-9576”.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photo of Expanded Outdoor Lounge Area

Attachment D – Letter of Intent

Attachment E – ALC Application

Attachment F – Proposed Plans

Attachment G – Ministry of Agriculture Letter

Attachment H – 2012 ALC Decision Letter

Attachment I – Draft Development Variance Permit PL2023-9576

Respectfully submitted,

Nicole Capewell, RPP, MCIP
Planner II

Concurrence

Director of Development Services	GM of Infrastructure	Chief Administrative Officer
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Attachment A – Zoning Map



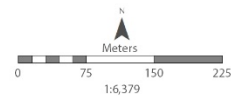
1350 Naramata Road

Zoning Map



Legend

- Subject Parcel
- FG - Forestry and Grazing
- RC - Country Residential Housing
- Site Specific Zoning
- A - Agriculture
- P2 - Parks and Recreation



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April 26, 2023 3:03:44PM

penticton.ca



Attachment C – Photo of Expanded Outdoor Lounge Area



Looking towards area of outdoor lounge expansion



Looking towards area of outdoor lounge expansion

3 March 2023

To: Agricultural Land Commission

Application ID: 67098 Hillside Winery Non Farm Use Application

I am writing to apply for the TESA (Temporary Expanded Service Area) Authorization that was granted to Hillside on 3 May 2022 be made permanent.

As a manufacturer, we wish to make the TESA associated with our outdoor sampling area permanent and as such are applying for a Lounge Patio Endorsement. Also included in this application is a request to increase the outdoor lounge area in the ALR.

Current Uses of Parcel Under Application (Parcel ID: 012-312-703)

Preamble

This parcel of land has been under agricultural use since the early 1900s when the Hillside Winery site was owned by the Riddle family who operated an apricot orchard. Their property stretched about 100 yards north to what is now Riddle Road; the original farmhouse stood on what is now the site of our tasting room. The cherry trees, which were on the Riddles' front lawn, were planted in 1926, one still remains today on one of the sampling area lawns.

In 1979, the property was purchased by Bohumir and Vera Klokocka who had recently immigrated to the Okanagan Valley from Czechoslovakia. In 1984 she and Bohumir pulled out the apricot trees and planted 3.5 acres of vineyards. The last surviving apricot tree from the Riddles' orchard remains on the bank just below the Kettle Valley Railway (on the northeast side of the winery building). The grapevines thrived in the gravelly soil and warm Okanagan sunshine.

In 1991 a group of friends purchased the winery from the Klokockas and formed Hillside Winery & Bistro. Since that time, the land surrounding the winery has continued to be prime vineyard land that been nurtured and improved over the years.

The footprint of the winery and bistro is static and no expansion is planned due to natural boundaries. The winery building is surrounded by vineyards to the north and south, the KVR runs on the east side and the west side is Naramata Road.

1. Currently all agriculture that takes place on the parcel is planted vineyard as follows:

.22 ha Gamay grapes

.97 ha Muscat grapes

.04 ha Cabernet Sauvignon grapes

.1 ha Malbec grapes

.06 ha Petit Verdot grapes

2. Agricultural improvements made to the parcel as follows:

Landscaping of gardens and properties around the winery building and row ends.

Relocation of septic field in 2022 from a location immediately above the vineyard to a site closer to the winery.

Conversion from overhead to drip irrigation in 2006.

Currently going through the process to be certified by Sustainable Winegrowing BC.

3. Non-agricultural uses that currently take place on the parcel

.71 ha is a winery production facility, a bistro with an upper and lower patio, landscaped gardens and a parking lot.

Adjacent Land Uses to Hillside Parcel

North: Agricultural/Farm – vineyard

South: Agricultural/Farm – Apiary and honey production and orchard

East: Agricultural/Farm – vineyard plus the Kettle Valley Trail, part of the TransCanada Trail

West: Agricultural/Farm – west of the Naramata Road is agricultural land with horses, small livestock and vineyard

Proposal

1. 0.0137 hectares are proposed for non-farm use.

2. During COVID-19, Hillside applied for and was granted a TESA (Temporary Expanded Service Area Authorization) to allow for outdoor sampling to comply with the Provincial Health Officer's directions. The areas under the TESA are the deck outside the Wine Shop entrance and two grassy lawns adjacent to the Tasting Room.

This TESA authorization expires on 31 March 2023. As per advice from the LCRB in their letter dated 3 May 2022, we would like to make the TESA associated with the sampling areas a permanent service area and as a manufacturer are applying for a Lounge Patio Endorsement for the TESA sampling area. The total TESA sampling area in question totals 137 sq meters. This is broken down as follows:

1. Lower Grassy Pad	50.7 sq meters
2. Upper Grassy Pad	52.1 sq meters
3. Deck outside Wine Shop	34.5 sq meters
<u>Total</u>	<u>137 sq meters</u>

Hillside supports the local economy by attracting visitors to both the winery and bistro. The winery architecture is unique and considered to be one of the best examples of a winery building reflecting the history of the region (*Senese, D. M., Wilson, W., & Momer, B. (2012). The Okanagan Wine Region of British Columbia, Canada. In The Geography of Wine (pp. 81-91). Springer, Dordrecht.*). The structure is designed to promote wine quality as the stone walls and the tower serve to cool the cellar. The Naramata Bench was granted a sub-GI designation in 2019, elevating the region to world class standards.

Having an outdoor sampling area has allowed Hillside to convey the importance of history, vine age and terroir influences to the quality of wine. Our tasting experience consists of a 45-minute tutorial. This longer tasting experience tends to convert visitors to ambassadors for the Naramata Bench and the Okanagan valley. This experience of being immersed in the terroir while sampling adds to the sustainability and viability of our agricultural parcel.

In the case of the TESA, I believe that the benefits of making this expanded service area a permanent feature of the property far outweigh any potential negative impacts. The TESA has proven to be a popular and successful gathering place for residents and visitors alike, offering a unique and enjoyable experience in the heart of the ALR.

Furthermore, the TESA has demonstrated a commitment to sustainable development, showcasing how it is possible to balance economic growth with environmental preservation. As such, I believe that making the TESA a permanent service area within the ALR would be a significant step forward in promoting responsible and sustainable land use practices in our province.

In 2012, the ALC gave approval for 233 sq meters as a winery lounge patio for our bistro. (Resolution #241/2012). This request will increase the total lounge patio area at Hillside Winery & Bistro from 233 sq meters to 370 sq meters.

Once approval is received for this proposal, Hillside will then apply for a permanent structural change to our existing lounge outdoor patio Endorsement with the LCRB.

3. This proposal can not be accommodated on lands outside of the ALR as the service area must be adjacent to the manufacturing facility and tasting room. The Hillside Winery land parcel is entirely on ALR lands.
4. This proposal will support agriculture in both the short and the long term. The viability of the BC wine grape industry hinges on our ability to demonstrate the value of our wines as products of our unique growing conditions which are unmatched worldwide. Providing an outdoor tasting opportunity which conveys these values to visitors elevates and provides revenue to Hillside, the City of Penticton and the region. This revenue allows Hillside to continue to farm the land, replant vines, improve our farming techniques and support our farming partners to do the same.
5. We do not need to import any fill to construct or conduct the proposed non-farm use.

Thank you for your consideration of Hillside's application. We are committed to complying with all regulations and requirements set forth by the ALC and to working collaboratively with the Commission to ensure the protection and preservation of agricultural land in BC.

Sincerely,

Duncan McCowan

President

Applicant Attachments

Manufacturer Licence #201998

Proposal Sketch

6 Photos as referenced on the proposal sketch

Aerial photo of the winery 1350 Naramata Road and surrounding ALRs.

Partial Site plan and Context Plan

TESA Authorization 3 May 2022

Certificate of Title: 012-312-703

LC Decision #241/2012



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 67098

Application Status: Under LG Review

Applicant: Hillside Cellars Winery Ltd.

Agent: Hillside Cellars Winery Ltd.

Local Government: City of Penticton

Local Government Date of Receipt: 03/20/2023

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: During COVID, Hillside was granted a Temporary Expanded Service Area authorization to conduct outdoor tastings. This authorization has been extended by the LCRB to March 31, 2023.

Hillside would like to make the areas approved within the TESA a Permanent Service area and as a manufacturer we are applying for a Lounge Patio Endorsement.

The area under application is 2 lawn areas and a small deck. All three areas total 137 sq meters.

Hillside will then apply for a Structural Change to our existing Patio Lounge Endorsement with the LCRB.

The existing patio lounge for the bistro was approved by the ALC in 2012 (Resolution #241/2012)

Agent Information

Agent : Hillside Cellars Winery Ltd.

Mailing Address :

1350 Naramata Road

Penticton, BC

V2A 8T6

Canada

Primary Phone [REDACTED]

Mobile Phone [REDACTED]

Email : [REDACTED]

Parcel Information

Parcel(s) Under Application

Applicant: Hillside Cellars Winery Ltd.

1. Ownership Type : Fee Simple

Parcel Identifier : 012-312-703

Legal Description : LOT 120 DISTRICT LOTS 199 AND 672 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 451 EXCEPT (1) PARCEL L PLAN A57 (2) PLAN M11079

Parcel Area : 2.5 ha

Civic Address : 1350 Naramata Road

Date of Purchase : 02/10/1998

Farm Classification : Yes

Owners

1. Name : Hillside Cellars Winery Ltd.

Address :

1350 Naramata Road

Penticton, BC

V2A 8T6

Canada

Phone [REDACTED]

Cell [REDACTED]

Email : [REDACTED]

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

.22 ha Gamay grapes, .97 ha Muscat grapes, .04 ha Cabernet Sauvignon grapes, .10 ha Malbec grapes, .06 Petit Verdot grapes

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

Landscaping of gardens and properties around the winery building plus row ends planting. Relocation of septic field in 2022 from a location immediately above planted vineyard to a site closer to the winery. Conversion from overhead to drip irrigation in 2006. Currently in progress to be certified by Sustainable Winegrowing BC.

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

.71 ha is our winery production facility including a crush pad, a tasting room/wine shop, office space, a bistro with kitchen, and a parking lot.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity : vineyard

East

Land Use Type: Agricultural/Farm

Specify Activity : vineyard plus the Kettle Valley Trail, part of the TransCanada Trail

South

Applicant: Hillside Cellars Winery Ltd.

Land Use Type: Agricultural/Farm

Specify Activity : vineyard and apiary and honey production and orchard

West

Land Use Type: Agricultural/Farm

Specify Activity : West of Naramata Road is agricultural land with horses, small livestock and vineyard

Proposal

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

0.0137 ha

2. What is the purpose of the proposal?

During COVID, Hillside was granted a Temporary Expanded Service Area authorization to conduct outdoor tastings. This authorization has been extended by the LCRB to March 31, 2023.

Hillside would like to make the areas approved within the TESA a Permanent Service area and as a manufacturer we are applying for a Lounge Patio Endorsement.

The area under application is 2 lawn areas and a small deck. All three areas total 137 sq meters.

Hillside will then apply for a Structural Change to our existing Patio Lounge Endorsement with the LCRB.

The existing patio lounge for the bistro was approved by the ALC in 2012 (Resolution #241/2012)

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.

No. This service area must be adjacent to the building and tasting room and the Hillside land parcel is entirely on ALR lands.

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

Yes, the proposal supports agriculture in the short and long term. The viability of the BC Wine grape industry hinges on our ability to demonstrate the value of our wines as products of our unique growing conditions which are unmatched worldwide. Providing an outdoor tasting opportunity which conveys these values to visitors and elevates and provides revenue to Hillside, the city of Penticton and the region. This revenue generated by visitors allows Hillside to continue to farm the land, replant vines, improve our farming techniques and support our farming partners to do the same. We are committed to the protection and preservation of agricultural land in BC.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

No

Applicant Attachments

Applicant: Hillside Cellars Winery Ltd.

- Agent Agreement - Hillside Cellars Winery Ltd.
- Other correspondence or file information - TESA Authorization
- Proposal Sketch - 67098
- Site Photo - Photos for Proposal Sketch
- Other correspondence or file information - Prior ALC Resolution
- Other correspondence or file information - LCRB Manufacturing Licence
- Site Photo - Partial Site & Context Plan
- Site Photo - Aerial View #2
- Other correspondence or file information - Letter of Intent
- Site Photo - Aerial View #1
- Certificate of Title - 012-312-703

ALC Attachments

None.

Decisions

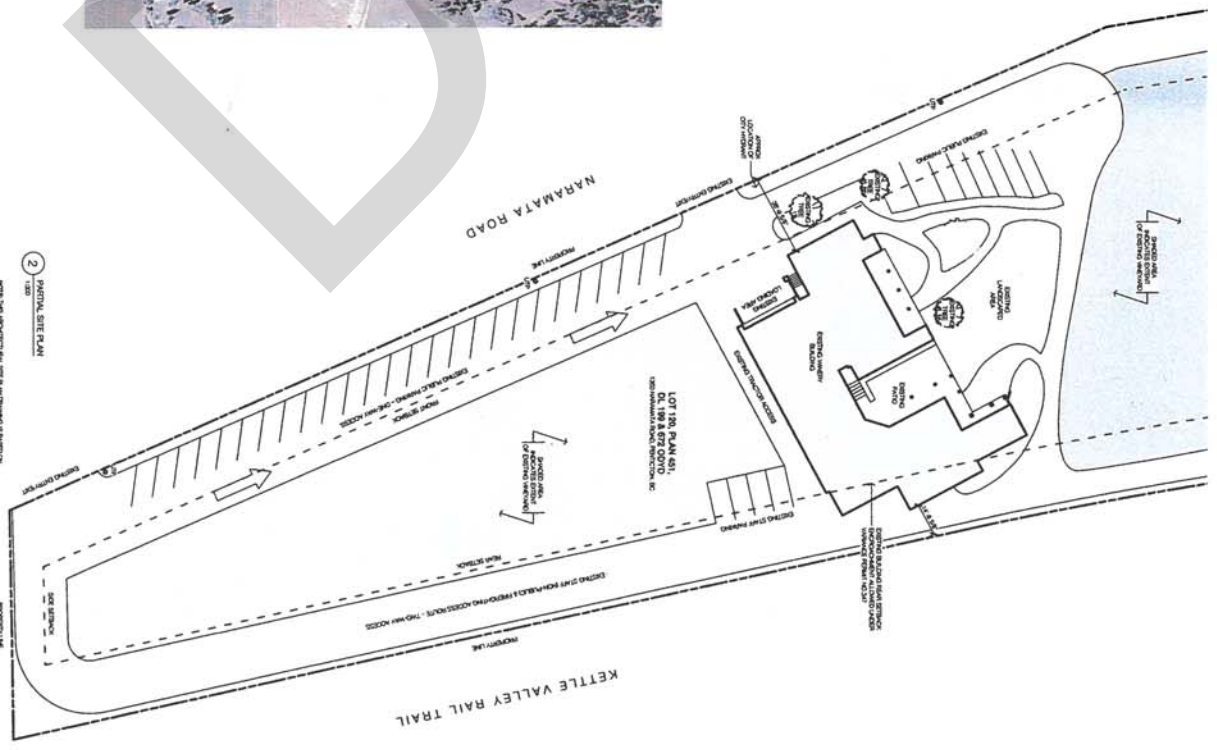
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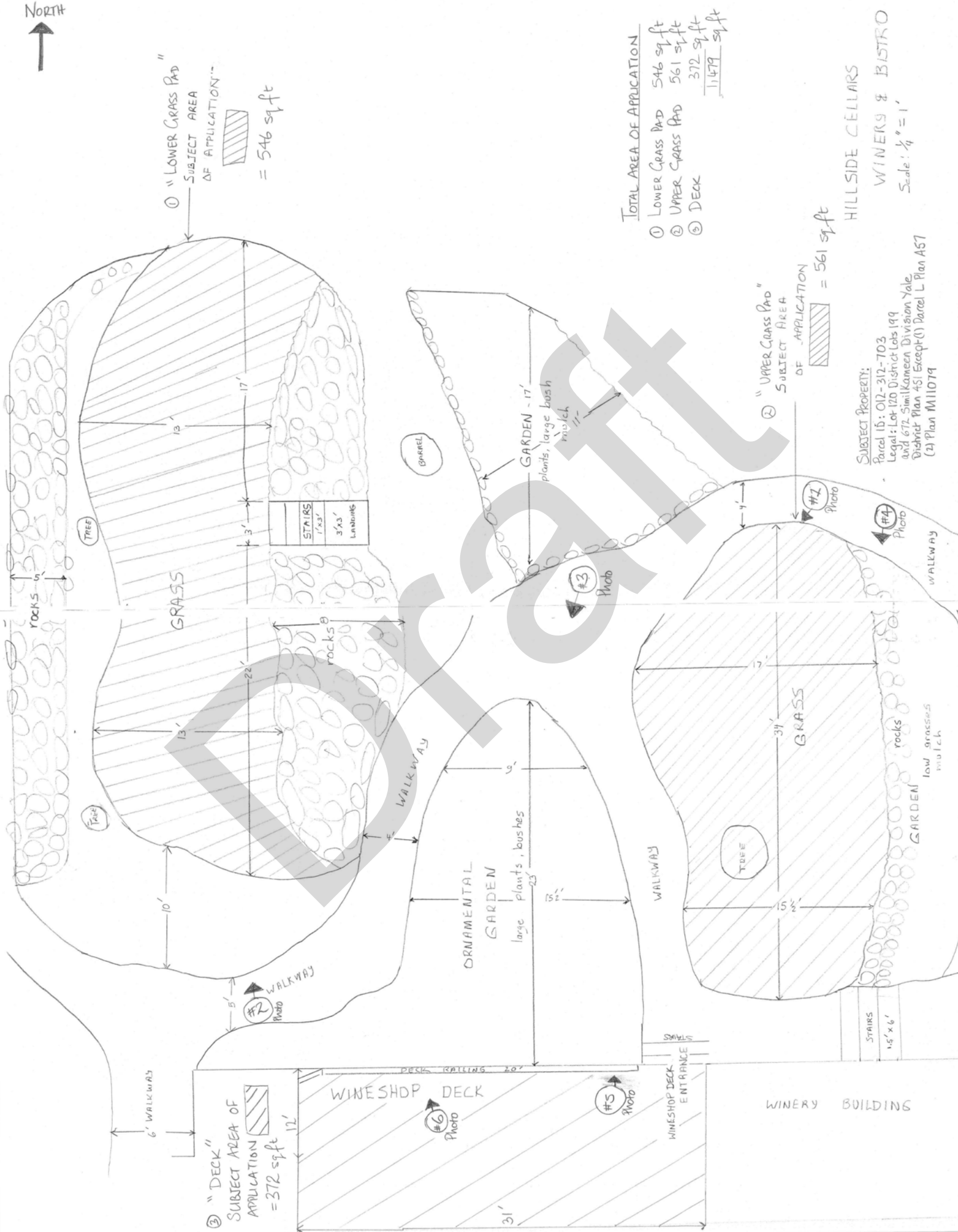
1 CONCEPT PLAN - 1000 NARAMATA ROAD, PERTH, WA
 10/1/2014



2 PARTIAL SITE PLAN
 10/1/2014

THE PARTIAL SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE OWNER'S RESPONSIBILITY TO OBTAIN THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER RELEVANT AGENCIES.





TOTAL AREA OF APPLICATION

① LOWER GRASS PAD 546 sq ft
② UPPER GRASS PAD 561 sq ft
③ DECK 372 sq ft
1,479 sq ft

HILLSIDE CELLARS

WINERS & BISTRO

$$S_{\text{scale}}: \frac{1}{4}'' = 1'$$

SUBJECT PROPERTY:

Parcel 15: 012-312-703
Legal: Lot 120 District Lots 199
and 672 Similkameen Division Yale
District Plan 451 Except (1) Parcel L Plan A57
(2) Plan M11079

(2) Plan M11079



April 6, 2023

File: 0280-30

Nicole Capewell, Planner II
City of Penticton
Via Email: Nicole.Capewell@penticton.ca

Dear Nicole Capewell:

Re: 1350 Naramata Road (PID: 012-312-703; ALC Application ID: 67098)

Thank you for providing the opportunity for the Ministry of Agriculture and Food (Ministry) staff to comment on the above-noted non-farm use application to expand the winery's outdoor lounge area from the 233 m² previously approved by the Agricultural Land Commission (ALC) to 370.3 m².

As you may know, the Agricultural Land Reserve (ALR) was established to protect agricultural land for farming purposes, and to limit non-farm uses to those that support the farm operation. Although the expansion of the outdoor lounge area will result in outdoor lounge space that is considerably larger than the 125 m² permitted by the ALR Use Regulation, Ministry staff note that the previous expansion was approved due to it being located on the winery roof. The proposed expansion of the outdoor lounge area will be located on the lawn area between the winery and the driveway and will therefore not likely adversely impact the agricultural operation or interfere with the existing farming activities on the parcel. As a result, ministry staff have no objections to the application proceeding to the Agricultural Land Commission for decision.

Please let us know if you require any additional information or clarification regarding our comments.

Sincerely,

Alison Fox, P.Ag

Land Use Agrologist
Ministry of Agriculture & Food
Email: Alison.Fox@gov.bc.ca
Phone: (778) 666-0566

Email copy: Michael McBurnie, Regional Planner, Agricultural Land Commission
ALC.Referrals@gov.bc.ca

Draft



Agricultural Land Commission

133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

July 13th, 2012

Reply to the attention of Martin Collins
ALC File: 52686

Hillside Cellars Winery Ltd.
1350 Naramata Road
Penticton, BC
V2A 8T6

Dear Sir/Madam:

Re: Application for Non-Farm Uses in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #241/2012 and a sketch plan outlining the Commission's decision as it relates to the above noted application. Nothing in this decision releases you from making another application if you intend to relocate the outdoor patio(s) from their current location.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the City of Penticton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch plan

cc: City of Penticton



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 27th, 2012 at the Ministry of Agriculture offices in Kelowna, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
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APPLICATION: # 52686

PROPOSAL: To use 233 sq meters of Hillside Estate Winery as a winery lounge outdoor patio. This is 108 sq meters larger than the 125 sq meters permitted by BC Regulation #171/2002. The patios consist of an upper 137 sq meter patio, and a lower 96 sq meter patio.

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

COMMISSION CONSIDERATION:

After review of all file information presented the Commission has concluded as follows:

1. The 233 sq meter winery lounge outdoor patios currently exist and they do not affect the arable area of the property because they are located partly on the winery rooftop (137 sq meters) and partly on the ground floor at the edge of the winery structure (96 sq meters);
2. The winery lounge patio is supportive of agriculture because it enhances wine sales and overall wine production in the ALR.

IT WAS

MOVED BY:	Commissioner J. Dyson
SECONDED BY:	Commissioner J. Johnson

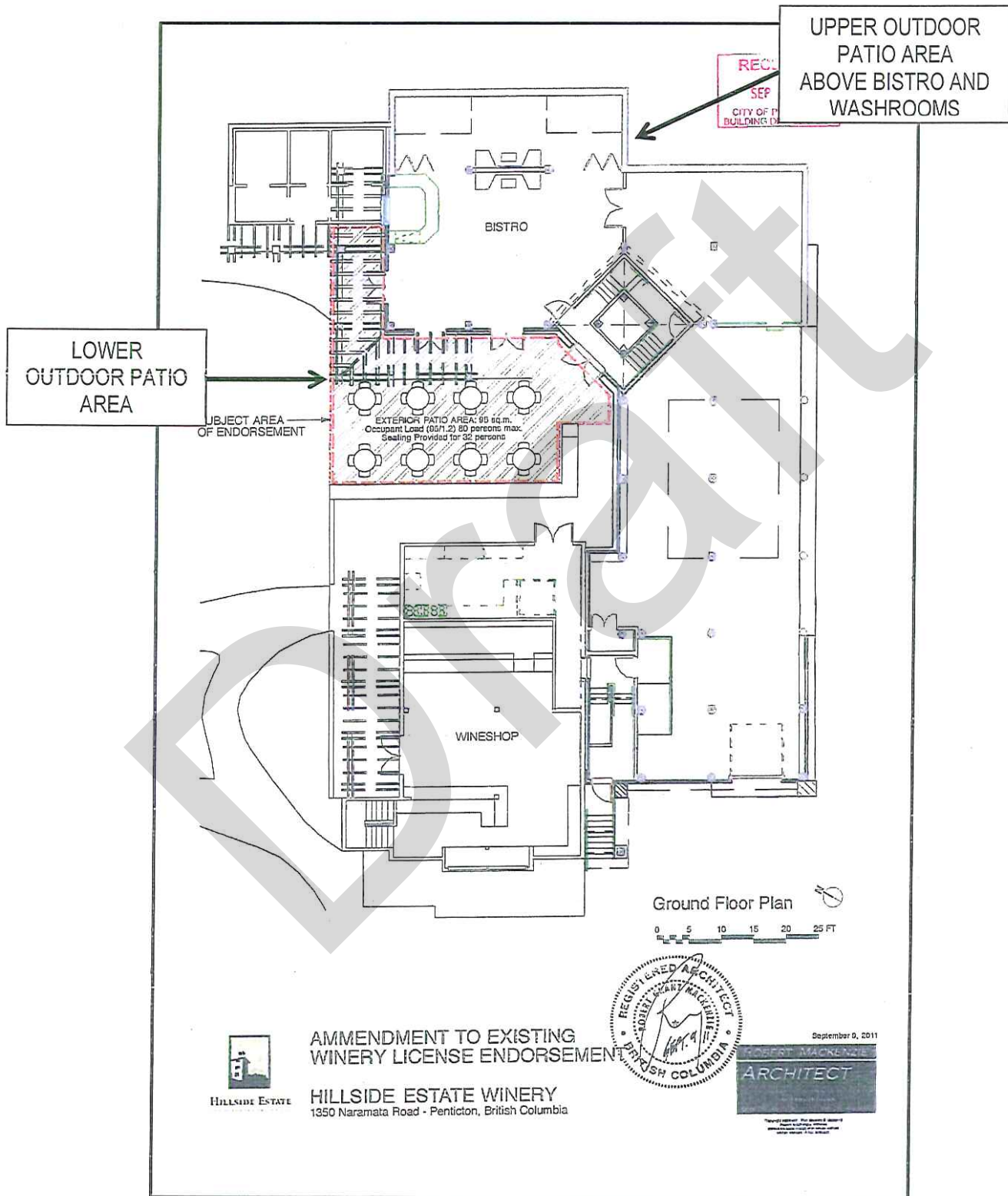
THAT the application be allowed as proposed.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

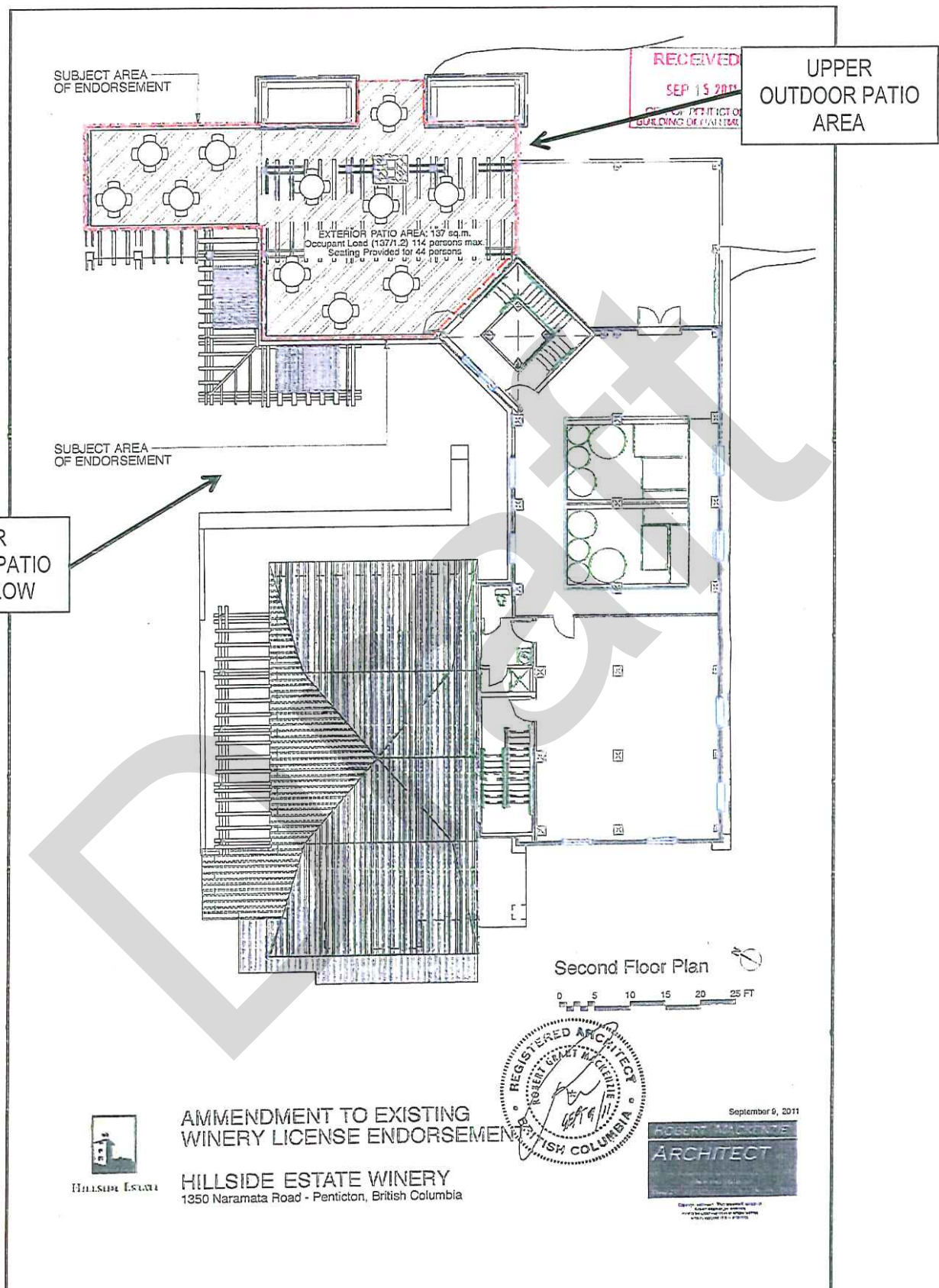
CARRIED

Resolution # 241/2012

ATTACHMENT 'B'
Floor Plans



ALC APPLICATION 52686 RESOLUTION # 241/2012
 SKETCH PLAN (2 SIDED)





Development Variance Permit

Permit Number: DVP PL2023-9576

Owner Name

Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
 - Legal: Lot 120 District Lots 199 and 672 Similkameen Division Yale District Plan 451
Except (1) Parcel L Plan A 57 (2) Plan M11079
 - Civic: 1350 Naramata Road
 - PID: 012-312-703
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of an outdoor lounge area, as shown in the plans attached in Schedule 'A':
 - a. Section 9.2.4.1.c: to increase the maximum size of the area devoted to food and beverage service for a winery from 233m² to 370m² for outdoor areas.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ____ day of _____, 2023.

Issued this ____ day of _____, 2023.

Angela Collison
Corporate Officer

DRAFT
DVP PL2022-9420

NORTH

