

Agricultural Land Commission
133-4940 Canada Way
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December 19, 2011

Reply to the attention of Ron Wallace
ALC File: 52497

Sarwan and Sudarshana Gidda
3030 Elliott Road
West Kelowna, BC
V4T 1M2

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 501/2011 outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over a horizontal dashed line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: District of west Kelowna (A-11-02 and LL-11-01)
BC Assessment, Kelowna



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on December 20, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application: (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)
Application: 52497
Applicant: Sarwan Gidda and Sudarshana Gidda
Proposal: To obtain permission for a proposed Winery Lounge and Winery Special Event Area for designated interior and patio areas of the subject facility. The total proposed capacity/occupant load required for the proposed uses are:

- 60 persons (interior)
- 100 persons (patio)

A winery lounge area endorsement would allow a licensed winery to sell and serve wine by the glass or bottle that is manufactured and bottled in BC.

A winery special event area endorsement would allow the licensed winery to host events such as wedding receptions, parties, concerts and festivals in the designated interior lounge and exterior patio areas of the winery.

The use proposed for both the interior and exterior areas is ± 250 m².

Legal: Lot 67 District Lot 2687 Osoyoos Division Yale District Plan 5381
Except Plan 31267
Location: 2845 Boucherie Road, Kelowna
Background: Part 2 of the ALC Regulations designate a food and beverage service lounge as a farm use, provided that the area does not exceed 125 m² outdoors. Furthermore, the Regulation permits licensed wineries on a parcel in the ALR, provided at least 50% of the farm products (fruit) used to make the wine is produced on the farm on which the winery is located. The applicant has confirmed that 80% of the grapes for their wine products are produced on-site. Additionally, wedding receptions, parties, concerts and festivals are not permitted under the Regulations, and as such is classified as non-farm use. The hosting of such events within the proposed area requires ALC approval.

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27th, 2011 the Commission delegated decision-making to the CEO by Resolution #016N/2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following application may be decided by the CEO.

Criterion 14

Exclusion, subdivision, non-farm use and inclusion applications that are not consistent with any of the existing approved criterion (Criterion 1 – 13) but nonetheless is minor in nature and in the opinion of the CEO, the interests of the Commission would be unaffected by an approval of the application.


DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 14 of Resolution #016N/2011 and approve the application on behalf of the Commission.

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.

RESOLUTION # 501/2011

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION


Richard Bullock, Chief Executive Officer