

# ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** April 9, 2018  
**RE:** Zoning Bylaw Amendment – Electoral Area “E”

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**Purpose:** To allow for the conversion of a Bed & Breakfast operation into six agri-tourism accommodation units.

**Owner:** Therapy Vineyards Ltd                      **Applicant:** Dominic Unsworth                      **Folio:** E02125.010

**Civic:** 940 & 950 Lower Debeck Rd                      **Legal:** Lot A, DLs 209 & 210, SDYD, Plan 42748

**Zoning:** Agriculture One (AG1)                      **Proposed Zoning:** Agriculture One Site Specific (AG1s)

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## **Proposed Development:**

This application proposes to amend the zoning bylaw in order to allow for the re-development of an existing nine room residence and Bed & Breakfast into a six agri-tourism accommodation unit ‘Inn’. The maximum number of agri-tourism units permitted on a parcel between 4 to 8 hectares in area is five; therefore, a site specific zoning amendment is being requested in order to allow for the extra unit. The development will be contained within the same building footprint as the existing B&B.

In support of the proposal the applicants stated that the “existing (6) six bedroom lower floor has been reduced to (4) four suites. No proposed increase to existing B&B footprint”.

## **Site Context:**

The subject property is approximately 4.32 ha in area and is located on the south side of Lower Debeck Rd, near Rushbury Place, and is approximately 560 m west of North Naramata Rd. There is currently a wine production facility, storage, a tasting room, accessory building, and a residence that houses an nine room Bed and Breakfast.

The subject property is mostly within the Agricultural Land Reserve (ALR) with the southern portion along Arawana Creek being outside of the ALR. The property does not appear to be classified as having ‘farm’ status under the *Assessment Act*, based on Regional District data from BC Assessment. The neighbourhood characteristic can be described as mostly farm land within the ALR of similar size parcels to the subject property. To the north west there are residential subdivisions and some mid sized rural residential properties west towards the lake.

The property is identified as being within a geotechnical hazard area with risks of slides and slumps.

## **Background:**

A number of building permits have been issued on the property since 1994 including a single family dwelling, winery, wine production building, tasting room and several permits for renovations have also been issued.

It appears that the Therapy Bed & Breakfast Guesthouse has been operating for over ten years. Based on complaints from a neighbour in 2005, an enforcement file was opened and legal action

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pursued, resulting in a rezoning application being submitted. At the time, there were uncertainty around legal definitions in the Bylaw pertaining to what was considered a “residence”, “home occupation” and “vacation homes” which remained unresolved until later legal action occurred for another ‘vacation rental’.

In 2007, an application was received requesting to rezone the property in order to allow ‘agri-tourism accommodation’, which at the time was not a permitted use in the Electoral Area “E” zoning bylaw. The Board at its April 5, 2007 meeting, resolved to not approve the amendment application.

In 2017, a Development Variance Permit (DVP) application was submitted for an addition to an existing winery building; however, the variance was not required and therefore was withdrawn.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated Agriculture (AG) therefore the proposal will not require an OCP amendment.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, there is an Environmentally Sensitive Development Permit (ESDP) area and a Watercourse Development Permit (WDP) area identified along the south side bordering Arawana Creek.

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is zoned Agriculture One (AG1) within which ‘agri-tourism accommodation units’ are a permitted use. However, under the general regulations contained in the zoning bylaw, only five agri-tourism accommodation units are permitted on a parcel between 4 and 8 ha.

General regulations regarding agri-tourism accommodation units also include that they must be contained under one roof, and have an area no greater than 30 m<sup>2</sup> (excluding washroom), and no cooking facilities are to be provided; and, that the property be classified as having ‘farm’ status under the *Assessment Act*.

The applicant recently submitted a Building Permit application for the renovations to the existing B&B to create six suites and a caretakers unit, all other zoning regulations pertaining to conversion appear to be satisfied.

### **Analysis:**

As the Advisory Planning Commission (APC) is aware, Administration does not generally support the creation of ad hoc or spot zonings where they are divorced from broader strategic land use objectives.

In considering this proposal, Administration notes that one of the objectives in the OCP is to support diversifying and enhancing farm income by creating opportunities for uses secondary and related to agriculture. The OCP’s policies further state that ‘value added’ uses such as agri-tourism are encouraged, provided that these developments are compatible with the agricultural character of the area, and they do not present a potential land use conflict with surrounding properties.

In this instance, the conversion of an existing nine room Bed and breakfast operation to develop six agri-tourism accommodation units, plus a caretakers suite, would not be seen to significantly change the density of the property. The area of the caretaker’s suite is proposed to be approximately 65 m<sup>2</sup>.

Conversely, given the relative small size of the subject property, the number of agri-tourism accommodation units, along with the amount of ‘commercialization’ of the winery on land that is meant to be principally agriculture in use, may be seen as problematic in terms of intensity of use.

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Wineries are a farm use regulated under the ALR Use, Subdivision & Procedure Regulation, and are permitted within the ALR. Local governments may prohibit or regulate agri-tourism accommodation units, although the ALR regulations limit the maximum number to ten.

The Regional District has recently completed an update of agricultural zones for the Okanagan Electoral Area zoning bylaws and as a part of that update has standardized the number of agri-tourism accommodation units permitted. Throughout the Okanagan valley, agri-tourism accommodation units are not permitted on parcels less than four ha, with five units permitted on parcels between 4.0 and 8.0 ha, and 10 units permitted on parcels greater than 8.0 ha.

Approving this site specific proposal would legalize and reduce the number of units permitted to be rentable, as well as, the renovation would update the building to meet current Building Code. .

In summary, as the overall building footprint will not be increased, and no further land is being removed from agricultural production, Administration generally supports the proposed rezoning, once 'farm' status is obtained through BC Assessment.

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**Administrative Recommendation:**

**THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.**

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**Options:**

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
  - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

**Respectfully submitted**

*E Riechert*

E. Riechert, Planner

**Endorsed by:**



B. Dollevoet, Dev. Services Manager

Attachments: No. 1 – Context Maps

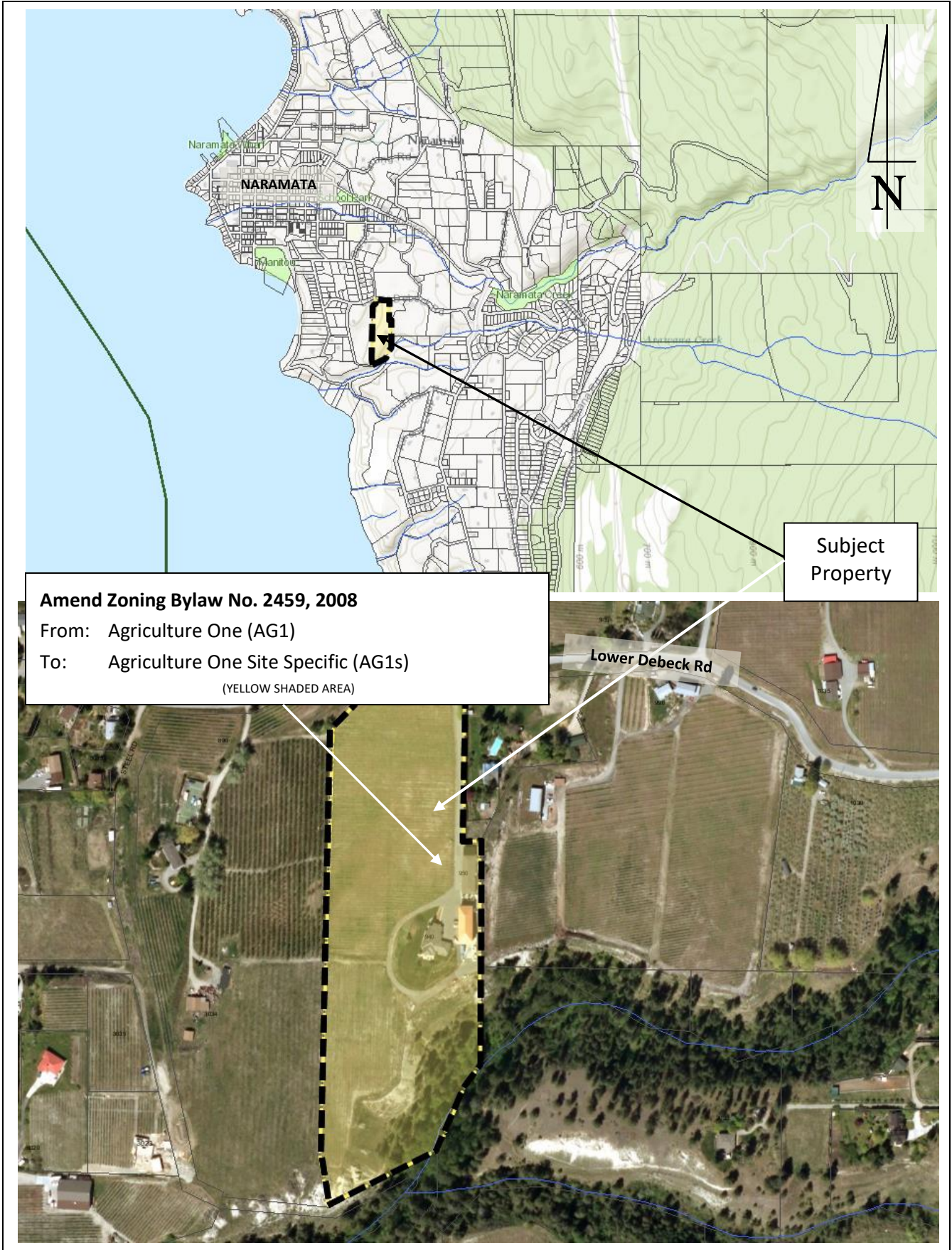
No. 2 – Applicant's Site Plan

No. 3 – Applicant's Elevations

No. 4 – Applicant's Elevations

No. 5 – Google Earth view

Attachment No. 1 – Context Maps

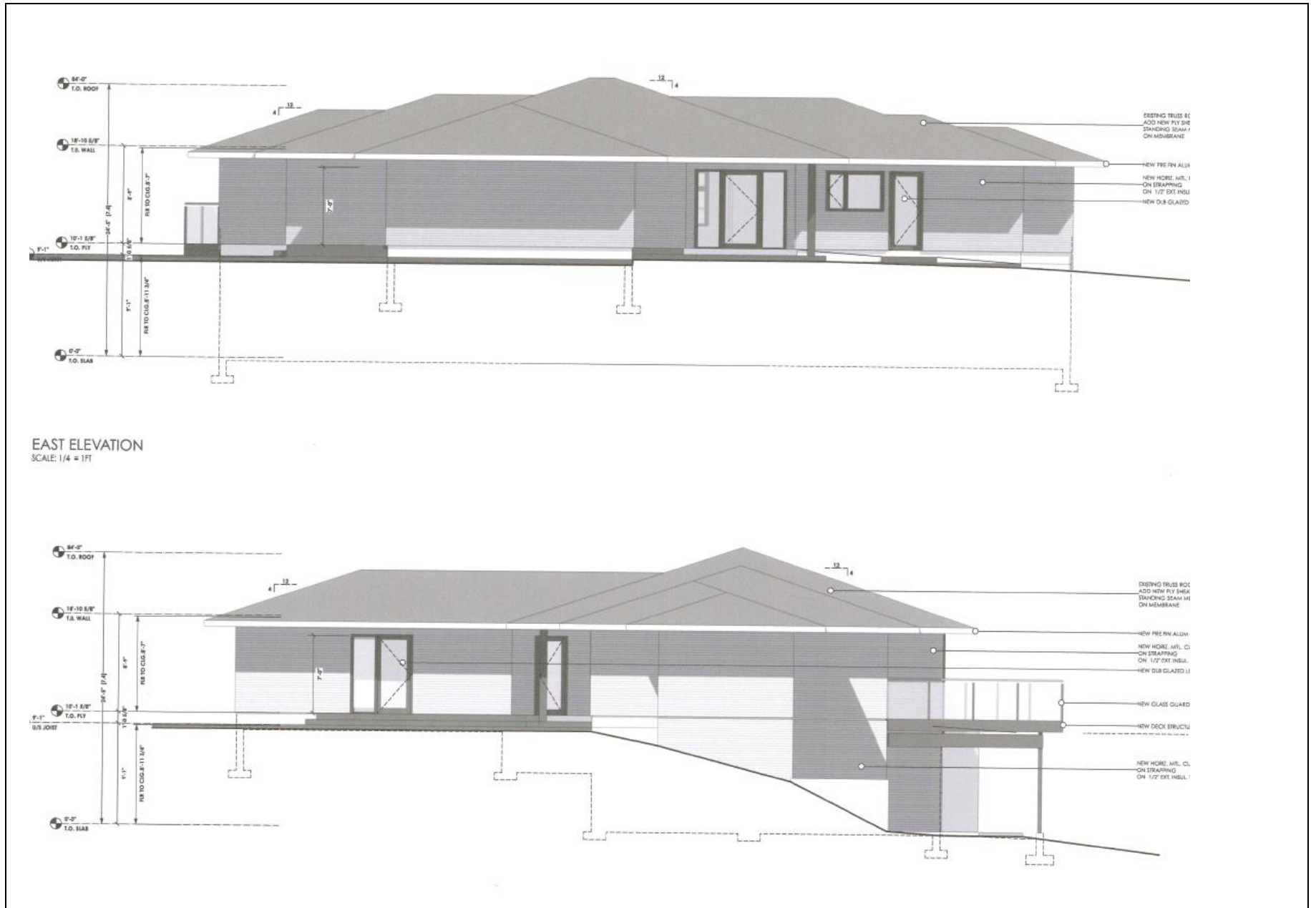




Attachment No. 3 – Applicant’s Site Elevations (West & South)



Attachment No. 4 – Applicant’s Site Elevations (East & North)



Attachment No. 5 – Image Google Earth

