

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 21, 2018

RE: Zoning Bylaw Amendment – Electoral Area “E”

Administrative Recommendation:

THAT Bylaw No. 2459.28, 2018, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

AND THAT the holding of the public hearing be delegated to Director Kozakevich or delegate;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Kozakevich;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Purpose: To allow for six agri-tourism accommodation units.

Owner: Therapy Vineyards Ltd Applicant: Dominic Unsworth Folio: E-02125.010

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

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

Proposed Development:

This application is seeking approval to re-develop an existing single detached dwelling that has been used as a nine (9) room Bed & Breakfast (B&B), albeit not legally, into a six (6) unit agri-tourism accommodation (‘Inn’) that will be contained within the same building footprint as the existing B&B.

As the maximum number of agri-tourism units permitted on a parcel between 4 to 8 hectares in area is five, a site specific zoning amendment is being requested in order to allow for the extra unit.

In support of the proposal, the applicants stated that the Therapy Guesthouse and Winery are under new ownership this season, and that “the new ownership has renovated the guesthouse to fit into ALR Agri-tourism guidelines. The existing guesthouse has reduced the available of agri-tourism suites to a total of 6 proposed suited.”

Further the applicant states that “local area residents have had noise complaints in previous seasons/under previous winery ownership. Many of these complaints have been related to winery staff playing ‘music’ during their workday...new ownership has addressed & rectified these complaints with residents. ... We can also ensure that guest of the guesthouse suites will be monitored by management and the onsite caretaker to ensure that all noise bylaws are observed.”

Site Context:

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

The neighbourhood characteristic can be described as mostly farmland within the ALR of similar sized parcels to the subject property. To the north-west there are residential subdivisions and some mid-sized rural residential properties west towards the lake.

Background:

The current boundaries of the subject property date to a plan of subdivision (boundary adjustment) deposited with the Land Titles Office in Kamloops on April 4, 1990, while available Regional District records indicate a number of building permits have been issued since 1994, including a single family dwelling, winery, wine production building, tasting room and several permits for renovations.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated Agriculture (AG) and is also the subject of an Environmentally Sensitive Development Permit (ESDP) and Watercourse Development Permit (WDP) Area designations.

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 (5) agri-tourism accommodation units are permitted on a parcel between 4.0 ha and 8.0 ha in size.

General regulations regarding “agri-tourism accommodation” units require that they be contained under one roof, and have an area no greater than 30.0 m² (excluding washroom), and no cooking facilities are to be provided; and, that the property be classified as having “farm” status under the *Assessment Act*.

In February of 2018, the property owner submitted a Building Permit application for renovations to an existing single detached dwelling in order to convert it to six (6) tourist accommodation units and a caretakers suite.

It is understood that this single detached dwelling had been used as the “Therapy Bed & Breakfast Guesthouse” since a rezoning application to formalise “agri-tourism accommodation” units on the property has been refused by the Regional District Board at its meeting of April 5, 2007 (NOTE: this rezoning application was the result of enforcement action initiated based upon written complaints received in 2005).

The subject property is predominantly within the Agricultural Land Reserve (ALR) and has been assessed as part “Residential” (Class 01), “Light Industry” (Class 05) and “Business/Other” (Class 06) under the *Assessment Act*. The property is also identified as being within a geotechnical hazard area with risks of slides and slumps.

Referrals:

Referral comments on this proposal have been received from the Agricultural Land Commission (ALC), Interior Health Authority (IHA) and these are included as a separate item on the Board Agenda.

Public Process:

A Public Information Meeting was held on April 9, 2018, and was attended by eight (8) members of the public.

At its meeting of April 9 2018, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this development proposal be denied (NOTE: applicant was not present). The applicant requested a second APC meeting in which the agent was able to attend to address concerns.

At its meeting of May 14, 2018, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this development proposal be denied.

Analysis:

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 nor increase the footprint of buildings on the property. The area of the caretaker’s suite, within the existing dwelling, is proposed to be approximately 65 m².

Conversely, given the 4.32 ha 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 “non-farm” uses.

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.

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. The winery is currently advertising “6 new rooms [that] can be reserved individually”.

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.

Alternatives:

- .1 THAT Bylaw No. 2459.28, 2018, Electoral Area “E” Zoning Amendment Bylaw be denied; OR
- .2 THAT Bylaw No. 2459.28, 2018, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of the public hearing be scheduled for the Regional District Board meeting of July 19, 2018;

AND THAT staff give notice of the public hearing in accordance with the requirement of the *Local Government Act*.

Respectfully submitted

E Riechert

E. Riechert, Planner

Endorsed by:



C. Garrish, Planning Supervisor

Endorsed by:



B. Dollevoet, Dev. Services Manager

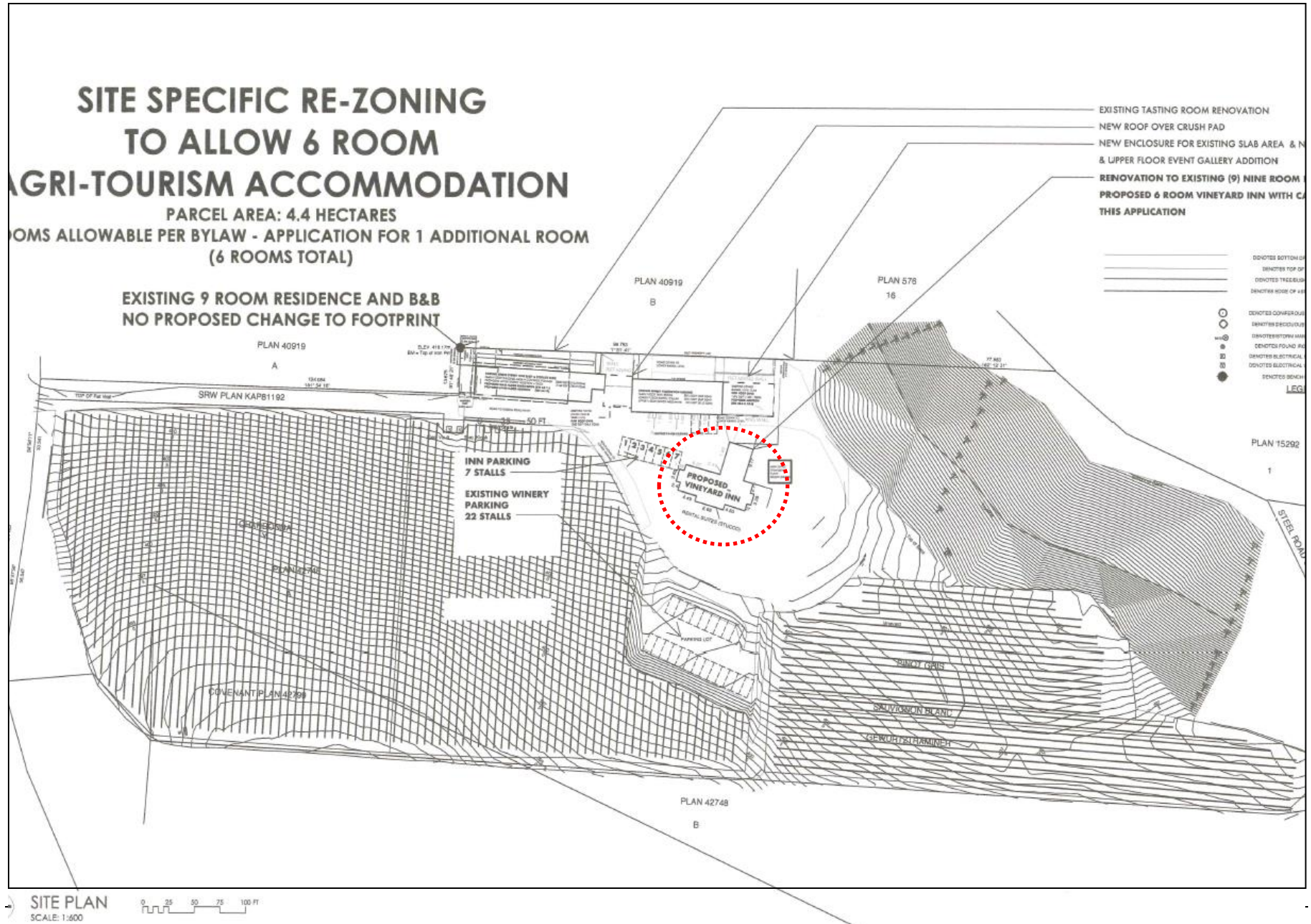
Attachments: No. 1 – Applicant’s Site Plan

No. 2 – Building Elevations

No. 3 – Building Elevations

No. 4 – Aerial Photo (Google Earth)

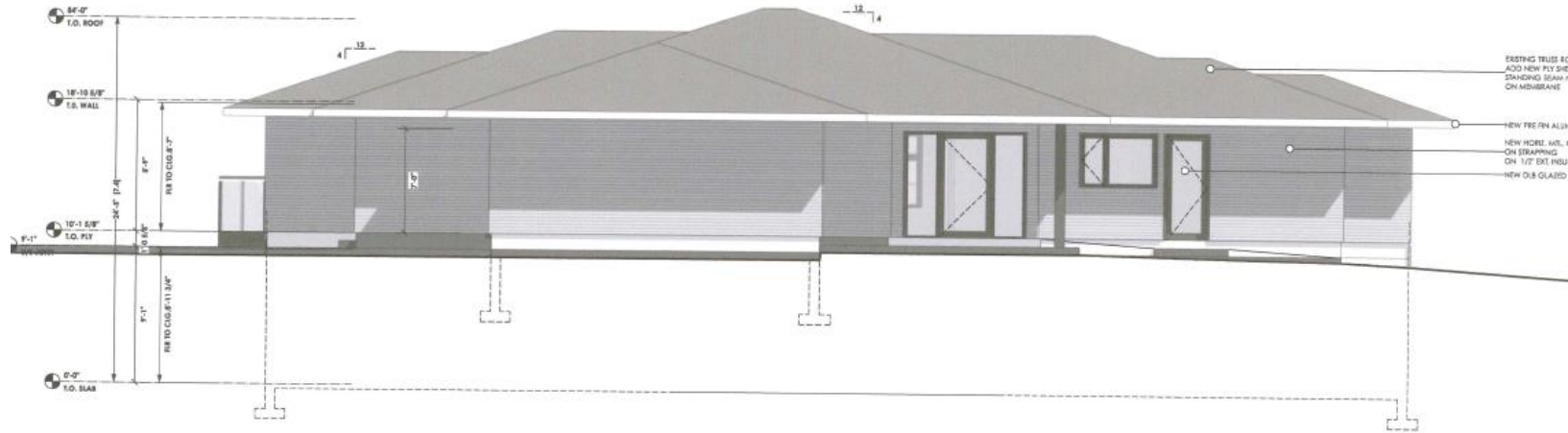
Attachment No. 1 – Applicant's Site Plan



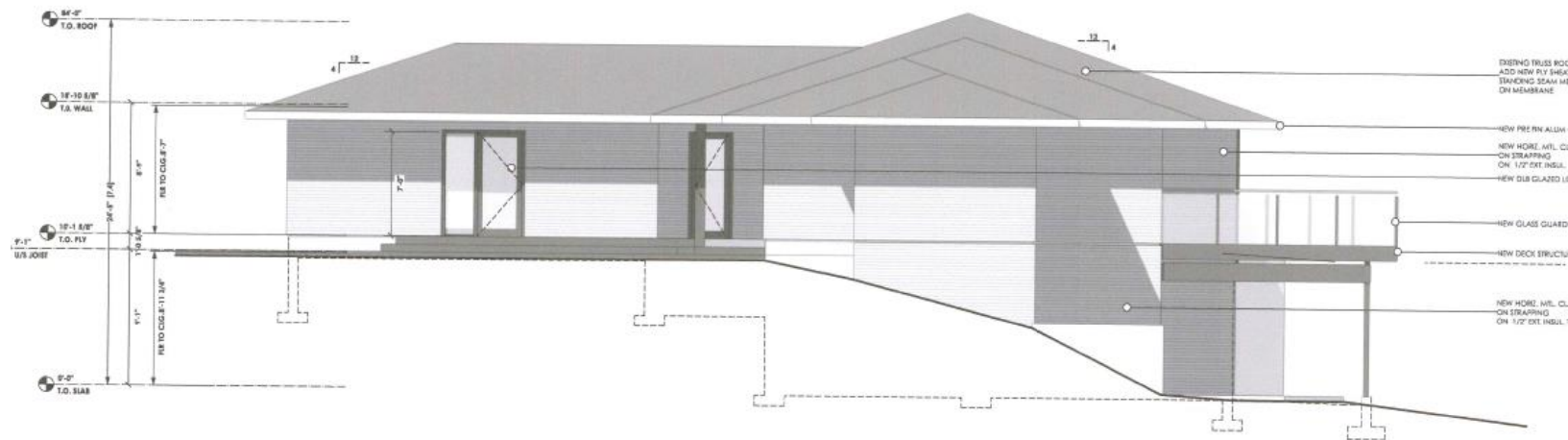
Attachment No. 2 – Building Elevations



Attachment No. 3 – Building Elevations



EAST ELEVATION
SCALE: 1/4" = 1'0"



Attachment No. 4 – Aerial Photo (Google Earth)

