

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 5, 2022
RE: Zoning Bylaw Amendment – Electoral Area “E” (E2021.023-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2800.09, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw, be read a first and second time and proceed to public hearing;

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

AND THAT the date, time, and place of the public hearing be scheduled 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 the use of six (6) agri-tourism accommodation sleeping units. Folio: E-02125.010

Legal: Lot A, District Lots 209 & 210, SDYD, Plan KAP42748 Civic: 940/950 Lower Debeck Road

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for use of six agri-tourism accommodation sleeping units within an existing building (the “guestroom inn”).

In order to accomplish this, the applicant is proposing to amend the zoning under the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s), with the site specific regulation to allow for one more unit than is currently allowed for a property between 4.0 to 8.0 ha in size under Section 7.3.3 of the Zoning Bylaw.

In support of the rezoning, the applicant has stated that:

- the agri-tourism activities which take place on-site include “seasonal & harvest festivals in support of the winery operations on the property”;
- the property owner carries out “vineyard tours as [they] explain the grape growing process throughout the growing season” and “the wine making process [they] take [guests] through happen every month [of] the year”;
- Therapy Vineyards on the subject property is “one of the only wineries on the bench that [stays] open year round to accommodate people through out the year and take them through all the [processes] in growing grapes and making wine”; and,

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- “members of the public are generally the bulk of the patrons at the winery...guests of the Inn earn a more intimate experience while staying on the farm and being a part of daily farming activities in the vineyard & winery”.

Site Context:

The subject property is approximately 4.32 ha in area and is situated on the south side of Lower Debeck Rd. It is understood that the parcel is comprised of a vineyard, wine shop and storage building, a winery production building and the subject guestroom inn.

The surrounding pattern of development is generally characterised by agricultural and low density residential development and the parcels to the north, east, and west of the subject property are within the Agricultural Land Reserve (ALR).

Background:**Site Development History:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on April 4th, 1990. Available Regional District records indicate that several building permits have been issued for the property since 1994 including a single family dwelling, a winery building, renovations to a retail wine shop, renovations to a single family dwelling, a wine making facility, the placement of a gazebo as a seasonal portable kitchen, renovations to an office, lab, tank room, water closet addition, renovations to a tasting room, and the construction of a roof deck with stairs on a tasting room.

As it relates to this application, in 2018, a building permit was issued for the conversion of the existing nine-bedroom single detached dwelling into a six-bedroom agri-tourism accommodation building (i.e., the “guestroom inn”) with a caretaker’s suite.

Land Use Application History:

It is understood that the single detached dwelling had previously been used by the former property owner as the “Therapy Bed & Breakfast Guesthouse”. Following enforcement action initiated based on written complaints received regarding the use of the guesthouse in 2005, a rezoning application was submitted to formalise agri-tourism accommodation units on the property. The application was refused by the Regional District Board at its meeting of April 5, 2007.

The Regional District also received a rezoning application from the current property owner requesting the use of six-agri-tourism accommodation sleeping units on the property in 2018. The application was withdrawn by the applicant.

RDOS OCP and Zoning Bylaw Provisions:

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

The Electoral Area “E” OCP Bylaw identifies several objectives for Agricultural land including those which speak to the preservation and protection of agricultural land and the diversification and enhancement of farm income through uses secondary to and related to the agricultural use. The OCP Bylaw also contains a policy to support secondary ‘value added’ uses such as agri-tourism.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which permits “agri-tourism accommodation, subject to Section 7.3”.

Section 7.3.3 of the Zoning Bylaw permits a maximum of five (5) agri-tourism accommodation sleeping units for parcels which are between 4.0 to 8.0 ha in size.

Enforcement History:

The Regional District has previously received a written complaint regarding vacation rentals being carried out on the subject property; in particular, that the property owner was renting one more room than permitted by the Zoning Bylaw. The file was closed in July 2020.

Land Use Classification:

The property is within the Agricultural Land Reserve (ALR) and has been classified by BC Assessment as part “Residential” (Class 01), part “Light Industry” (Class 05), part “Business and Other” (Class 06), and part “Farm” (Class 09).

Agricultural Land Reserve:

Section 33(2) of the ALR Use Regulation states that the use of ALR land for the provision of up to 10 sleeping units as seasonal or short-term accommodation in relation to an agri-tourism activity (as defined under s. 12 of the ALR Use Regulation) is permitted subject to the accommodation being located on land classified as “farm” and the total developed area for structures, landscaping and access for the accommodation being less than 5% the parcel.

In this instance, the developed area of the subject property, including the six sleeping unit accommodation building, is approximately 3.8%. As such, the approval of the Agricultural Land Commission (ALC) is not seen to be required.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97).

Given the location of the property within the ALR, the amendment bylaw was referred to the ALC. Correspondence with ALC staff reiterated the criteria under Section 33 of the ALR Use Regulation, noting that if the applicant meets all criteria under Section 33, the proposed use would be permitted within the ALR.

Public Process:

On February 7, 2022, a Public Information Meeting (PIM) was held online via Webex and was attended by approximately eight (8) members of the public.

At its meeting of February 7, 2022, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

The proposal is requesting the use of one additional bedroom which is already located within the existing guestroom inn. This will not impact the balance between preserving agricultural land for current and future production with the use of agricultural land for compatible secondary, value-added activities which are meant to provide supplementary income to farmers and diversify the local agricultural and rural economy.

The agent submits that the bedroom is currently used for storage purposes due to the current five-unit agri-tourism accommodation sleeping unit restrictions for parcels between 4.0 to 8.0 ha under the Okanagan Valley Zoning Bylaw.

Given that the proposal is requesting an expansion to an existing agri-tourism accommodation use and that no renovations would be required to use the additional bedroom, the proposal is not seen to significantly change the building density.

In terms of impact on the agricultural use of the property, the Ministry of Agriculture, Food and Fisheries stated in their January 31, 2022 response to the proposed amendment bylaw, that “by adding an additional sleeping unit to the existing building with no proposed change to the footprint or parking stalls this should pose no impact to agricultural lands or operations.”

It is unlikely that the added use of one bedroom would result in conflicts with surrounding properties or negatively impact the agricultural use of the subject property.

Alternative:

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.09, 2022, be denied.

Respectfully submitted:



Shannon Duong, Planner I

Endorsed By:

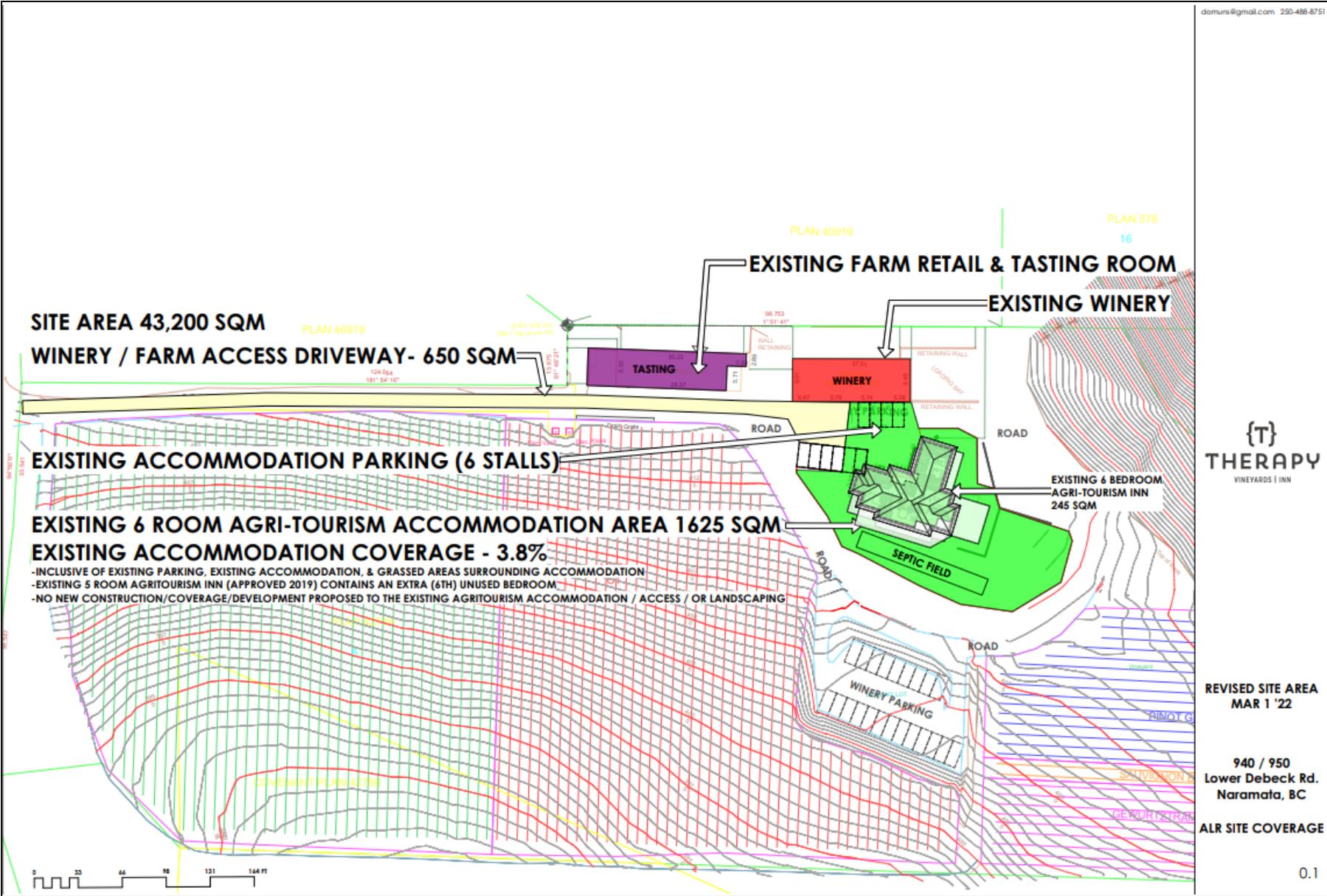


C. Garrish, Planning Manager

Attachments:

- No. 1 – Applicant’s Site Plan
- No. 2 – Lower Floor Plan
- No. 3 – Main Floor Plan
- No. 4 – West and South Elevations
- No. 5 – East and North Elevations
- No. 6 – Aerial Photo (2017)

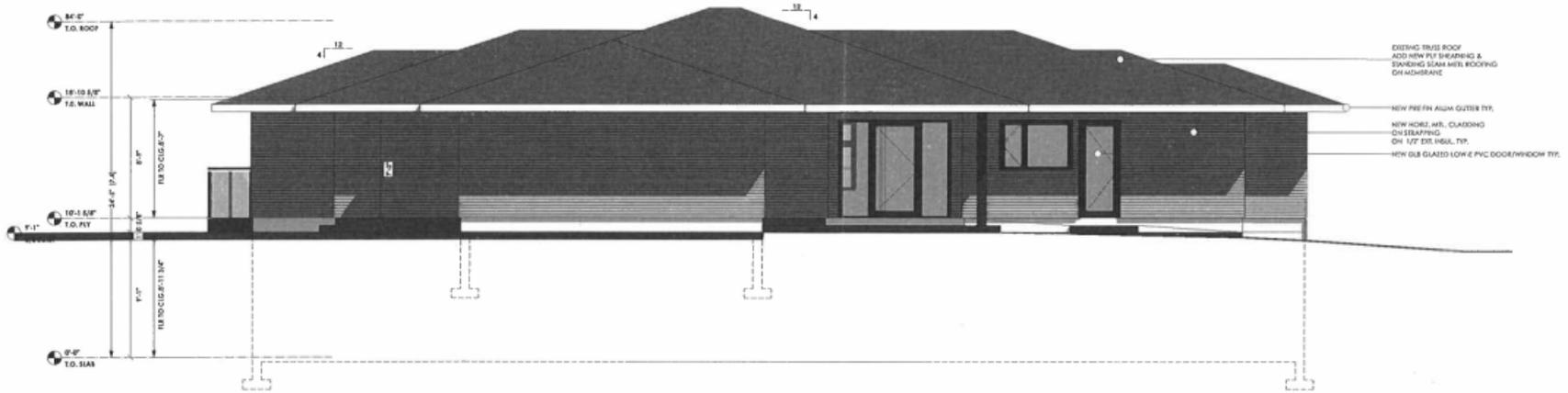
Attachment No. 1 – Applicant’s Site Coverage Plan



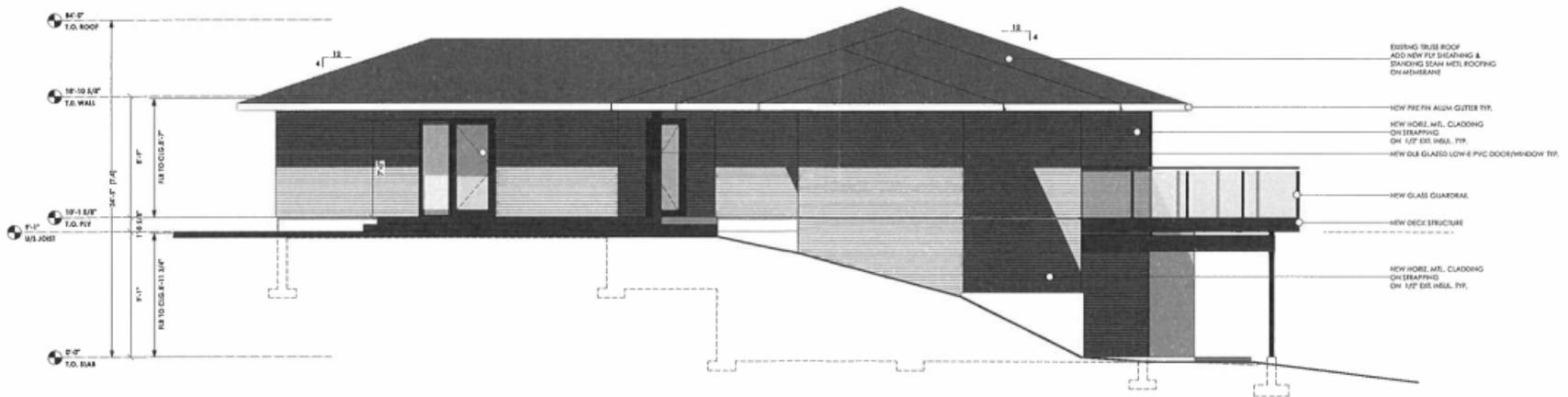
Attachment No. 4 – West and South Elevations



Attachment No. 5 –East and North Elevations



← EAST ELEVATION
SCALE: 1/4" = 1'-0"



↑ NORTH ELEVATION
SCALE: 1/4" = 1'-0"

Attachment No. 6 – Aerial Photo (2017)

