Public Hearing

to be held at
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 21, 2019
at 6:00 p.m.

1. Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2019-15” 1-15

CO Reads Opening Statement and Introduction of Bylaws

“Zoning Amendment Bylaw No. 2019-15” (856 Carder Road)

Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

In the case of Lot B, DL187, SDYD, Plan 38091, located at 856 Carder Road, agri-tourism accommodation is a permitted use with a maximum of six (6) sleeping units.

The applicant is proposing to construct up to six, 600 ft² cabins on the northeast corner of the property to be used for agri-tourism accommodation.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, May 10, 2019 and Wednesday, May 15, 2019 (pursuant to the Local Government Act).

CO No Correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, May 15, 2019).

Mayor Requests the Director of Development Services describe the proposed bylaw

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2019-15” is terminated and no new information can be received on this matter.
Resolutions

12.9  Zoning Amendment Bylaw No. 2019-15
Re: 856 Carder Road

248/2019

It was MOVED and SECONDED
THAT Council give “Zoning Amendment Bylaw No. 2019-15”, a bylaw to add Section 9.2.6.12: “In the case of Lot B, DL 187, SDYD, Plan 38091, located at 856 Carder Road, agri-tourism accommodation is a permitted use with a maximum of six sleeping units,” first reading and forwarded to the May 21, 2019 Public Hearing.

CARRIED UNANIMOUSLY
Council Report

Date: May 7, 2019                      File No:  2019 PRJ-056
To:  Donny van Dyk, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 856 Carder Road

Subject: Zoning Amendment Bylaw No. 2019-15

Staff Recommendation

THAT Council give “Zoning Amendment Bylaw No. 2019-15”, a bylaw to add Section 9.2.6.12: “In the case of Lot B, DL 187, SDYD, Plan 38091, located at 856 Carder Road, agri-tourism accommodation is a permitted use with a maximum of six sleeping units,” first reading and forwarded to the May 21, 2019 Public Hearing.

Background

The subject property (Attachment A) is currently zoned A (Agriculture) and is within the Agricultural Land Reserve (ALR). The size of the property is 13.98 acres and features a cherry orchard along with a single-family dwelling and farm buildings. Photos of the site are included as Attachment D. The property is located along the Naramata bench, adjacent to the KVR.

Proposal

The applicant is proposing to construct four, 600ft² cabins on the northeast corner of the property to be used for agri-tourism accommodation, with the plan to sometime in the future expand to 6 cabins. The cabins are bachelor-type units, with a wet bar and small bathroom in each. ‘Agri-tourism accommodation’ is a permitted non-farm use in the Agriculture Land Reserve (ALR), however, it is not permitted by the City’s Zoning Bylaw. Therefore, a site-specific zoning amendment is required which states the following:

• “In the case of Lot B, DL 187, SDYD, Plan 38091, located at 856 Carder Road, agri-tourism accommodation is a permitted use with a maximum of six sleeping units.”

Technical Review

The application was reviewed by the City’s Technical Planning Committee, comprised of members from the building, engineering, public works, fire and planning departments. Several items were discussed, including requirements for residential sprinklers and servicing upgrades (water, electrical). These items have been communicated to the applicant and will be addressed through the building permit process.
Agriculture Advisory Committee

The application was forwarded to the City’s Agriculture Advisory Committee. The committee’s terms of reference outline that they are required to make recommendations to Council on all matters referred to the Committee. On April 5, 2019, the application was discussed and the Committee passed the following motion:

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee recommend that Council support “RZ PL2019-8498” with a condition that a maximum of six sleeping units is permitted.

CARRIED UNANIMOUSLY

Although the ALC permits up to 10 (ten) sleeping units, the committee felt that a limit of 6 (six) shall be placed on this application. The committee was hesitant with allowing ten units without seeing a plan as to where they would be placed and if that would impact farming activities. That being said, the committee was comfortable with the four proposed and felt it was reasonable to allow for two additional cabins to be constructed in the future if the owner wished.

Analysis

Support Zoning Amendment

ALC Regulation:

As per Section 33 of the Agricultural Land Reserve (ALR) Use Regulation, agri-tourism accommodation is permitted, without needing to bring an application to the ALC, if all of the following apply:

- The land is classified as a farm under the Assessment Act, which is the case here;
- The total developed area for structures, landscaping and access is less than 5% of the parcel. The proposal is for approximately 2.3%;
- The accommodation is limited to 10 sleeping units in total. Sleeping units include bedrooms in a cabin, trailer, tent, etc. The accommodations must not contain kitchens. The proposed application is for four cabins with one sleeping unit in each. If the accommodations prove successful, the applicant would like to have the ability to add two additional cabins for a total of six;
- Accommodation is seasonal and on a short-term basis (less than 30 consecutive days). The applicant intends on doing seasonal short-term rentals;
- The accommodation is in relation to an agri-tourism activity occurring on the farm, such as:
  - Agricultural heritage exhibit;
  - Tour of the agricultural land, educational active on farm operations;
  - Cart, sleigh and tractor rides;
  - Activities that promote or market livestock raised or kept on the land;
  - Petting zoos;
  - Dog trials;
  - Harvest festivals;
  - Corn maze.
- The applicant is intending on doing daily tours of the farm as well as ‘u-pick cherries’.
The applicant has submitted a plan to the ALC, and the ALC has advised that the proposed cabins meet the provisions for agri-tourism accommodation with the ALR.

City Policies:

The City’s OCP speaks to supporting accessory uses on farms, such as country inns, and bed and breakfast operations that increase the viability of farm operations, support agriculture and generally support the regional agricultural industry. The proposed cabins will help to provide supplementary income to the applicants. The proximity to the KVR could facilitate winery tours via bicycle or car, which could result in positive economic spinoffs for the surrounding farming properties.

To conclude, City Staff are recommending that Council support the proposed application for the reasons below:

- The use is permitted within the ALR;
- City policies support the proposed use;
- The City’s Agriculture Advisory Committee supported the application.

Deny/Refer Zoning Amendment

Council may consider that the proposed use is not suitable in an agricultural area or that it may hinder farming activities. If this is the case, Council should either deny support or place conditions on the application.

Alternate Recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2019-15

Attachments

Attachment A: Subject Property Location Map
Attachment B: Zoning Map
Attachment C: OCP Map
Attachment D: Photos of Subject Property
Attachment E: Site Plan
Attachment F: Building Elevations
Attachment G: Floor Plan
Attachment H: Letter of Intent
Attachment I: Zoning Amendment Bylaw No. 2019-15

Respectfully submitted,

Randy Houle
Planner I

DDC
CAO
Attachment A – Subject Property Location Map

Figure 1: Subject Property Location Map
Attachment B – Zoning Map

Figure 2: Zoning Map
Figure 3: OCP Map
Attachment D – Photos of Subject Property

Figure 4: Location of Proposed Cabins (looking south towards Corbishley Avenue)

Figure 5: Location of Proposed Cabins (looking south and west)
Figure 6: Location of Proposed Cabins (looking East)
Attachment E – Site Plan

Figure 7: Site Plan
Attachment F – Building Elevations

Figure 8: Building Elevations
Bill & Nancy Bokla  
856 Carder Road  
Penticton, BC  

March 4, 2019  

City of Penticton Planning Department  
Development Services Division  
171 Main Street  
Penticton, BC  
V2A 5A9  

Dear City of Penticton Planning Department:  

Attached you will find a site-specific re-zoning amendment application for our property at 856 Carder Road requesting agri-tourism accommodation on our farm.  

We would like to build 4 seasonal cabins for short term use to provide additional income to supplement the farm income and support the farming operation. The cabins would be short term rentals during the summer months and would not have kitchens. I reached out to the Agricultural Land Commission to be sure that what we propose is in compliance with their rules and I have attached the emails from Riccardo Peggini, Land Use Planner, Agriculture Land Commission.  

Our intended guests will learn about farming fruit trees as they will be given a tour of the operation and pick fruit if the cherries are ready for harvest. We have multiple varieties of cherries and guests will be able to see all the different growth stages of fruit development.  

Please accept our sincere thanks for your time and consideration of our request.  

Sincerely,  

Bill & Nancy Bokla
The Corporation of the City of Penticton

Bylaw No. 2019-15

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

   This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2019-15”.

2. **Amendment:**

   2.1 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to section 9.2.6:

   .12 In the case of Lot B, DL187, SDYD, Plan 38091, located at 856 Carder Road, agri-tourism accommodation is a permitted use with a maximum of six (6) sleeping units.

   2.2 Schedule ‘A’ attached hereto forms part of this bylaw.

READ A FIRST time this 7 day of May, 2019
A PUBLIC HEARING was held this 21 day of May, 2019
READ A SECOND time this day of , 2019
READ A THIRD time this day of , 2019
ADOPTED this day of , 2019

Notice of intention to proceed with this bylaw was published on the 10 day of May, 2019 and the 15 day of May, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

__________________________
John Vassilaki, Mayor

__________________________
Angie Collison, Corporate Officer
Agriculture (A) Zone – Site Specific Zoning Amendment to add agri-tourism accommodation as a permitted use with a maximum of six sleeping units at 856 Carder Road.