

Property:

3810 Valleyview Road

Lot 2 District Lot 587 Similkameen Division Yale
District Plan 15877 Except Plans 20013 and 20826

Subject & Proposal

The applicants are proposing to operate three sleeping units as agri-tourism accommodation on the subject property.

'Agri-tourism accommodation' is a permitted non-farm use in the Agriculture Land Reserve (ALR), however, it is not a permitted use by the City's Zoning Bylaw. In order to proceed with allowing the three sleeping units, the applicant has requested site-specific zoning on the subject property to allow agri-tourism accommodation with a maximum of three (3) sleeping units.

Zoning Amendment Bylaw 2024-19: A (Agriculture) zone, add: "Section 9.2.6.14, In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 and 20826, located at 3810 Valleyview Road, 'agri-tourism accommodation' is a permitted use with a maximum of three (3) sleeping units."

Information:

You can find the staff report to Council and Zoning Amendment Bylaw 2024-19 on the City's website at www.penticton.ca/publicnotice or scan the QR code to the right.



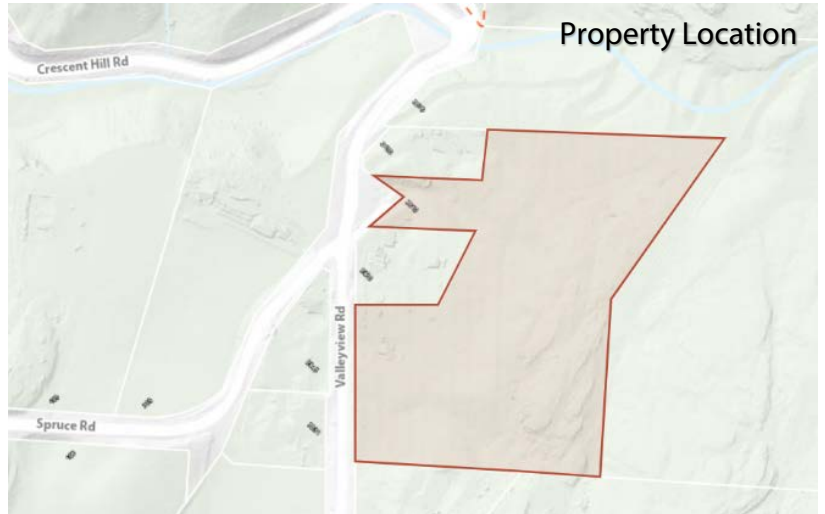
Council Consideration:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, May 7, 2024** in Council Chambers, Penticton City Hall, 171 Main St.

All meetings are live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Questions?

Please contact Audrey Tanguay at 250-490-2572 or audrey.tanguay@penticton.ca with any questions.



Public Comments:

Any person whose interest may be affected by the proposed bylaw(s):

1. May participate at the Public Hearing via Zoom or telephone. Please visit www.penticton.ca/publichearings for details and the Zoom link.
2. May appear in person.
3. Submit written comments by mail or email no later than 9:30 am, Tuesday, May 7, 2024, to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: publichearings@penticton.ca

Please ensure the following is included in your correspondence:

Subject: 3810 Valleyview Rd.

No letter, report or representation from the public will be received by Council after the conclusion of the May 7, 2024 Public Hearing.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay
Planning & Licencing Manager

Date: April 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 3810 Valleyview Road

File No: RMS/3810 Valleyview Rd

Subject: Zoning Amendment Bylaw No. 2024-19

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw No. 2024-19”, for Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, a bylaw to add the site-specific provision, within the A (Agriculture) zone, as follows: “Section 9.2.6.14, In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, ‘agri-tourism accommodation’ is a permitted use with a maximum of three (3) sleeping units.”;

AND THAT Council forward “Zoning Amendment Bylaw No. 2024-19” to the May 7, 2024 Public Hearing.

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The applicants are proposing to operate three sleeping units as agri-tourism accommodation on the subject property. ‘Agri-tourism accommodation’ is a permitted non-farm use in the Agriculture Land Reserve (ALR), however, it is not a permitted use by the City’s Zoning Bylaw. In order to proceed with allowing the three sleeping units, the applicant has requested site-specific zoning on the subject property to allow agri-tourism accommodation with a maximum of three (3) sleeping units.

Background



Figure 1 – Property Location Map

The subject property is located at the southern end of the City of Penticton, and on the east side of Valleyview Road (Figure 1). The property is zoned 'A (Agriculture)' by the Zoning Bylaw 2023-08 and is designated 'Agriculture' by the Official Community Plan. The property is approximately 28,652 m² in size, and is completely within the Agricultural Land Reserve (ALR) (Attachment C). The subject property has farm status and portions of the property are currently being used for the growing of grapes.

This application was brought forward as an enforcement file as the three sleeping units were placed on the site without proper permitting or zoning in place. The enforcement actions are currently on hold as the property owners are participating in the zoning and permitting process. Should Council support the zoning change, steps would be taken to ensure the safe occupancy of these units for the intended use. If Council were to not support the zoning change, the enforcement actions would recommence, leading potentially to the removal of the units, or a notice to not occupy the units.

Technical Review

This proposed site specific use was reviewed by the Technical Planning Committee, a group of City staff from various departments who review planning applications. Several items were discussed, including requirements from the Building Department, and Fire Department.

Of particular note is the classification of the units from a BC Building Code perspective. We understand that units to be factory built outside of the country and are not certified locally, like units factory built in Canada. The owner will need to prove that the units meet some local equivalent code or upgrade them to meet local equivalent codes for the intended use.

These items have been communicated to the applicant and will be addressed through the building permit process.

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is 'Agricultural', which supports the growing, producing, harvesting, storage, processing and sale of agricultural produce. The building types in this designation include agricultural buildings and detached houses (Figure 2). The Agricultural Land Commission (ALC) permits up to ten (10) sleeping units in total, including any bedrooms used for tourist accommodation from properties located in the ALR. In this case, the applicant is proposing three (3) sleeping units on the property.

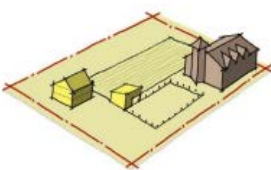
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Agriculture 	Allows for growing, producing, harvesting, storage, processing and sale of agricultural produce.	<ul style="list-style-type: none"> • Agricultural buildings • Detached houses 	<ul style="list-style-type: none"> • Agricultural • Residential 	• 1-2 units per parcel	• A

Figure 2 – Excerpt from Land Use Designation Table (OCP)

As per Section 33 of the Agricultural Land Reserve (ALR) Use Regulation, the use of agricultural land for providing accommodation in relation to an agri-tourism activity is permitted if all of the following conditions are met:

- a) The accommodation is located on agricultural land that is classified as a farm under the Assessment Act;
- b) The total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel;
- c) The accommodation is limited to 10 sleeping units in total, including bedrooms (tourist accommodation);
- d) Accommodation is provided on a seasonal or short-term basis only

The proposal meets all of the conditions above as set in the Agricultural Land Reserve Use Regulation. The subject property is classified as a “farm” under the Assessment Act, the total developed area is less than 5% of the parcel, the proposal is for 3 units, where the maximum is 10, and the applicant has indicated that the accommodation is only going to be provided on a seasonal and short term basis only. Additionally, the neighbouring property to the north of the subject property, 3550 Valleyview Road, has similar site-specific zoning to allow ‘agri-tourism accommodation’ which was approved by Council in January 2019.

The Agricultural Land Reserve bulletin pertaining to tourist accommodations within the ALR lists several examples of acceptable agri-tourism accommodation types, such as: a bedroom in a cabin, a holiday trailer, tent, campsite or other accommodation type provided it is seasonal and short term. As stated in the Technical Review section above, the units that were placed on the property on the subject property are not easily defined as they are factory built modular units from out of the country. Occupancy of the units will likely have strict conditions attached to ensure the temporary nature of the units.

Given that there is adequate policy through the OCP to support the proposed use and it is supported by the Agricultural Land Reserve Use Regulation, staff recommend that Council give first reading to “Zoning Amendment Bylaw No. 2024-19”, and forward the bylaw to the May 7, 2024 Public Hearing to gather comments and feedback from the public.

Alternate Recommendations

Council may consider that the proposed rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2024-19".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – ALR Map

Attachment D – Letter of Intent

Attachment E – Zoning Amendment Bylaw No. 2024-19

Respectfully submitted,

Jordan Hallam
Planner II

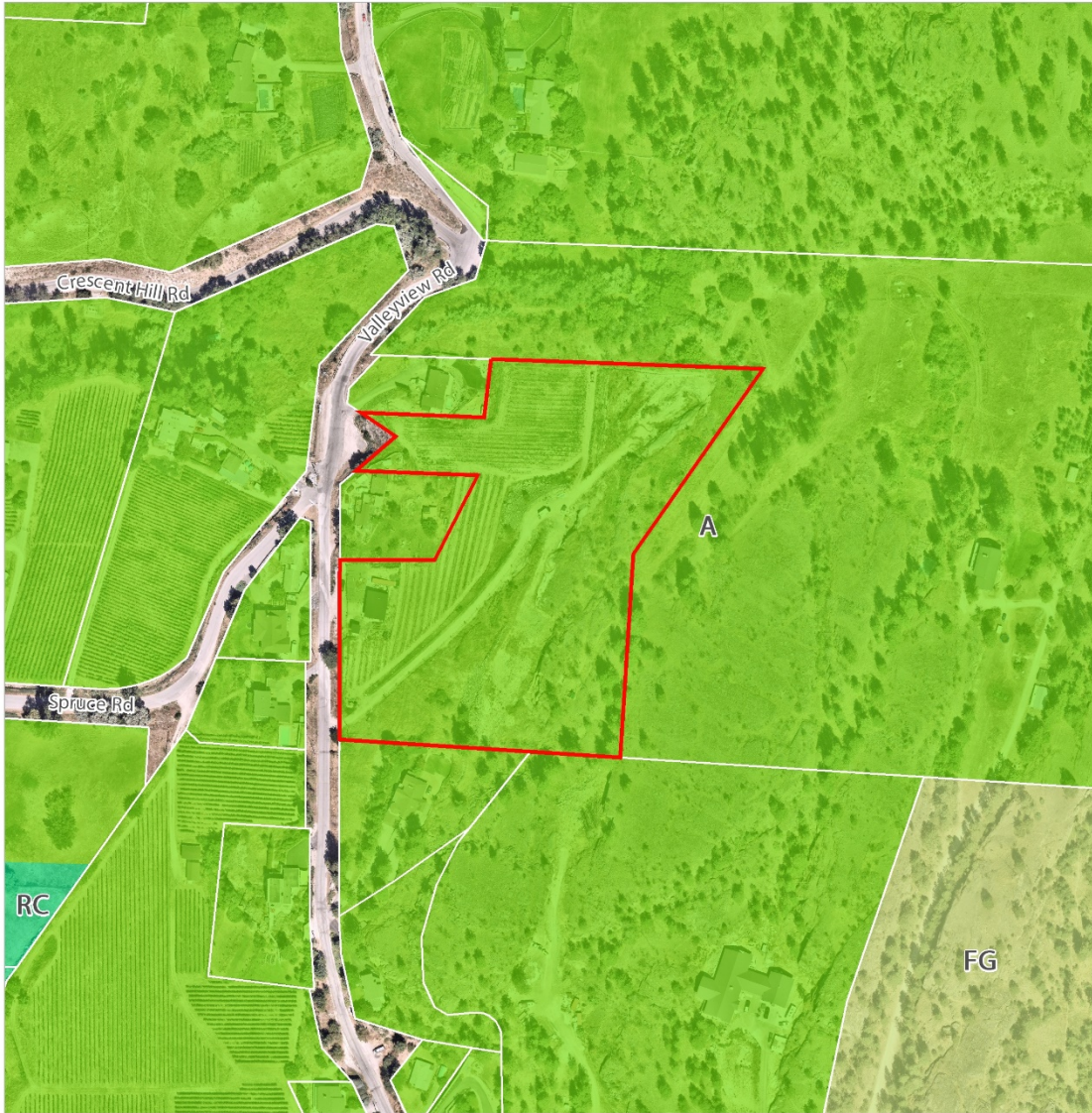
Concurrence

Director of Development Services <i>BL</i>	City Manager <i>JH</i>
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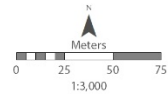
3810 Valleyview Road

Zoning Map



Legend

- Subject Parcel
- FG - Forestry and Grazing
- RC - Country Residential Housing
- A - Agriculture



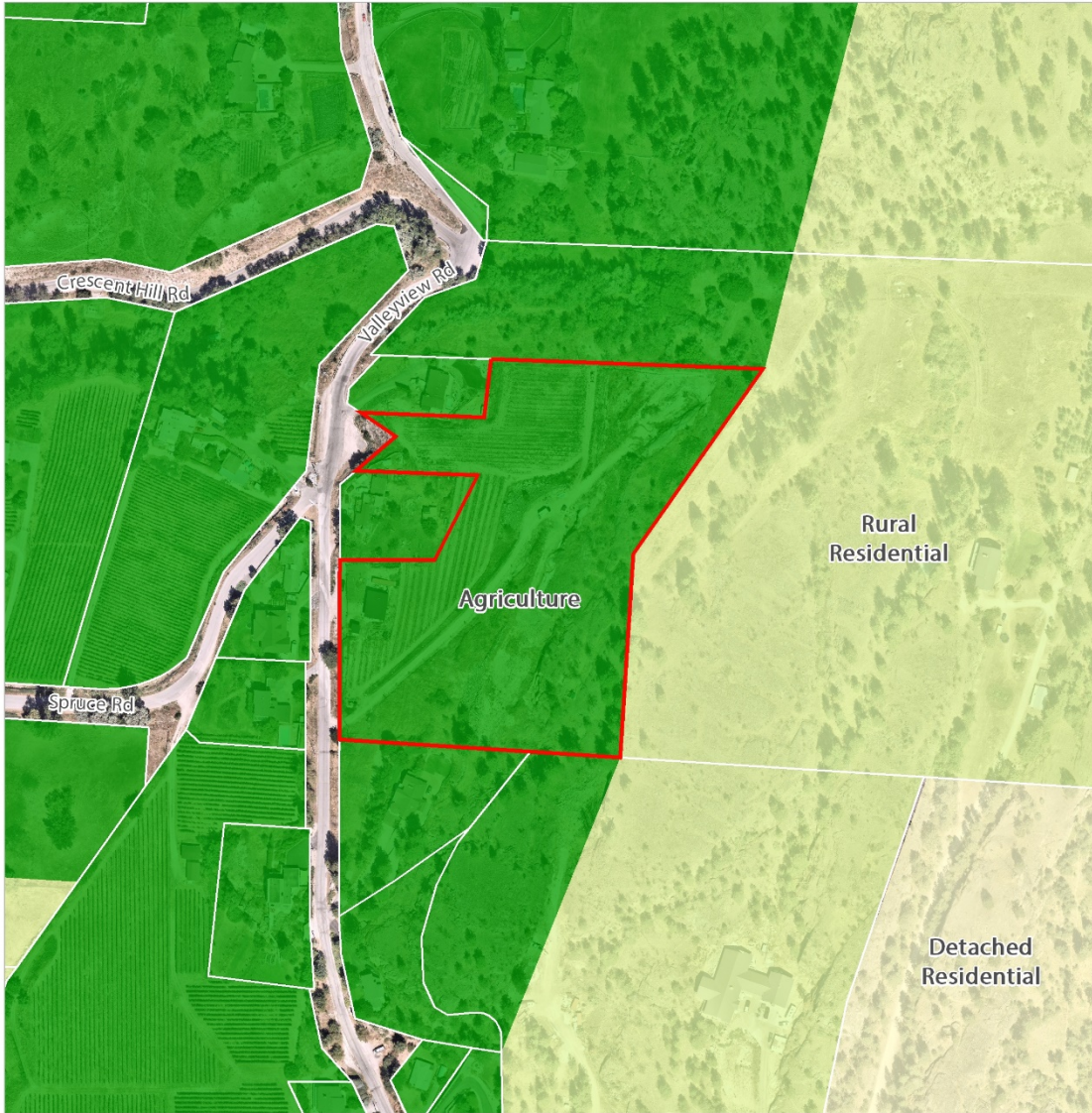
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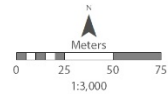
3810 Valleyview Road

OCP Map



Legend

- Subject Parcel
- Future Land Use
- Detached Residential
- Rural Residential
- Agriculture



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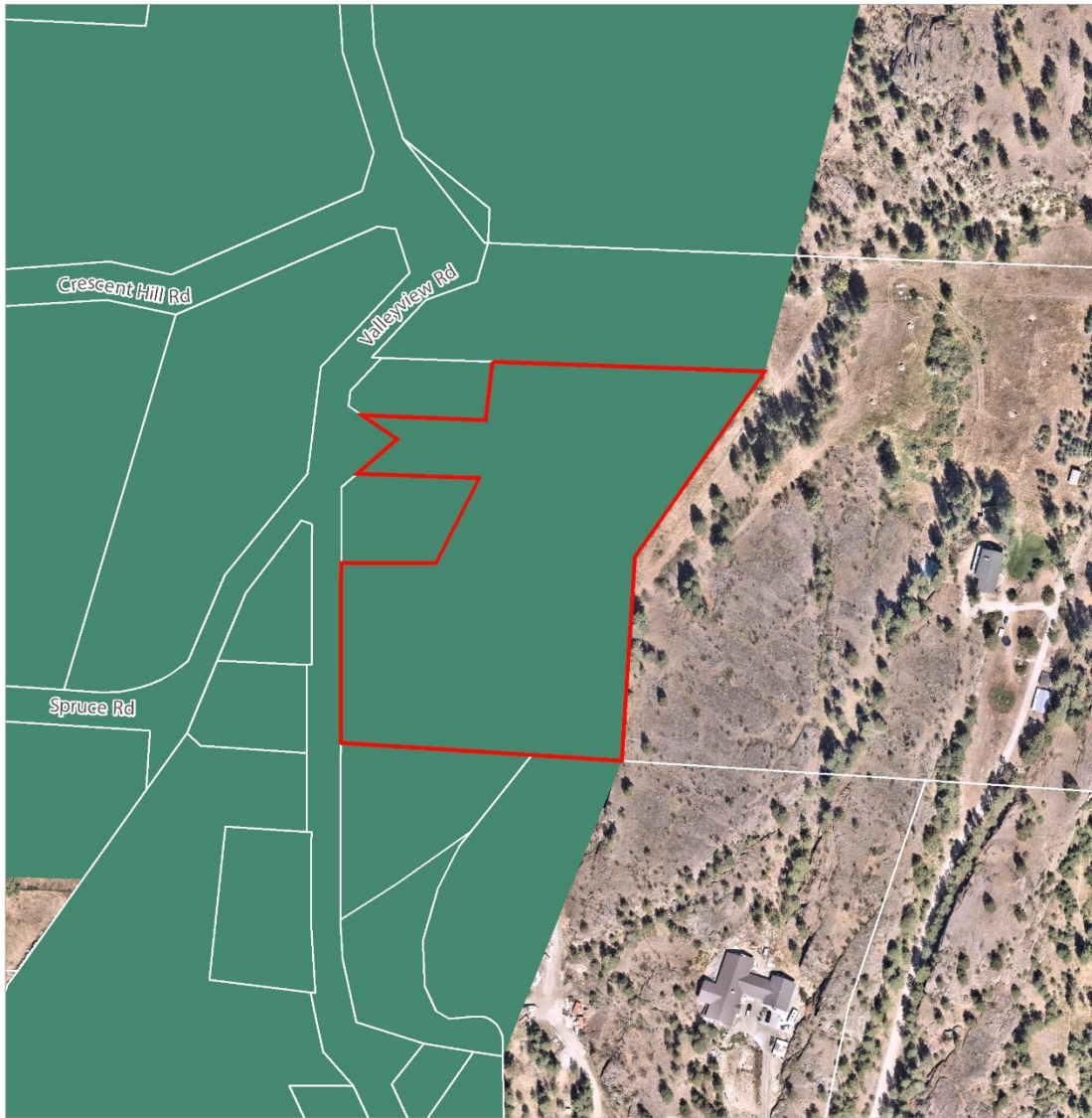
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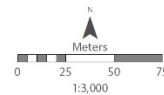
3810 Valleyview Road

Agriculture Land Reserve (ALR) Map



Legend

-  Subject Parcel
-  Agricultural Land Reserve



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Friday, April 5, 2024 3:38:52 PM

Attachment D – Letter of Intent

Application for rezoning at 3810 valley view rd Penticton.
to Allow 3 Agra stays for travelling tourist accommodations, each unit consisting of a sleeping unit of 28 m2.

3810 valley view was a property that had not been farmed in 60 years primarily due to the bedrock & grade located on this 2.83-hectare ALR parcel. 4.5 acres is 60-degree slope of bed rock and granite boulders. James Parker and krista berrigan endeavored to regrade this land at great expense to be able to accommodate and plant 2 acers of grapes on the only usable (soil) portion of this parcel. The remainder, a .35 of an acer has a temporary house that will be converted to a tasking room in the future.

James and Krista planted 2 acers of pinot noir in 2021 and were granted their farm status, expecting some return from the overwhelming startup cost of this land. in the summer of 2023 james realized that the 2 acres of grapes sold at market would not provide an enough ROI to recoup their farming losses.

The previous owner, Mr LeComte, had already been issued a building permit by the city of Penticton to construct and build a home on a site that he had geo engineered with (rock glen) located at the southeast corner of the property. This area was filled with blast rock. Mr LeComte had already installed water and power and was ready to start building when he decided to sell the land to james Parker and krista Berrigan.

James and Krista searched for a solution to reduce the losses by introducing 3 Agra Stays to the unusable portion of the land while adhering to the requirements of ALC as the neighbor at 3550 had mentioned that he had an Agra stays and we did not realize that the City of Penticton had a zoning bylaw prohibiting this.

James Parker owner at 3810 Valley view is also the Founder and president of an international Alcohol label manufacturer located in Penticton know as Okanagan Label and Print Ltd. OKLP, with its 30 full time highly trained & paid staff support about 90 % of the BC wine and spirits industry while exporting an additional. 3.5 million to the USA, Dominican Republic, Panama and most recently the new wine region located in Mexico.

Okanagan label over the years has imported several foreign working professionals that required accommodations for a period to get them integrated into the community and assist in finding them long term accommodations. These Agra stays would also double as staff accommodations required for future growth of OKLP.

These Agra stay would support Agra tourism in Penticton on a active working farm showing the heritage water flume located at the build site in the south east corner of the property, also doubling as accommodations for customers doing plant inspections and press checks for wine and spirits industry spirits from Washington, Oregon, Dominican republic, Panama, Mexico.

The Corporation of the City of Penticton

Bylaw No. 2024-19

A Bylaw to Amend Zoning Bylaw 2023-08

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 No. 2023-08;

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. 2024-19".

2. **Amendment:**

2.1 Zoning Bylaw No. 2023-08 is hereby amended as follows:

Add Section 9.2.6.14: "In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, 'agri-tourism accommodation' is a permitted use with a maximum of three (3) sleeping units."

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	16	day of	April, 2024
A PUBLIC HEARING was held this	7	day of	May, 2024
READ A SECOND time this		day of	, 2024
READ A THIRD time this		day of	, 2024
ADOPTED this		day of	, 2024

Notice of intention to proceed with this bylaw was published on the 26th day of April, 2024 and the 3rd day of May, 2024 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2024-19

Date: _____

Corporate Officer: _____