

June 7, 2018

Subject Property:

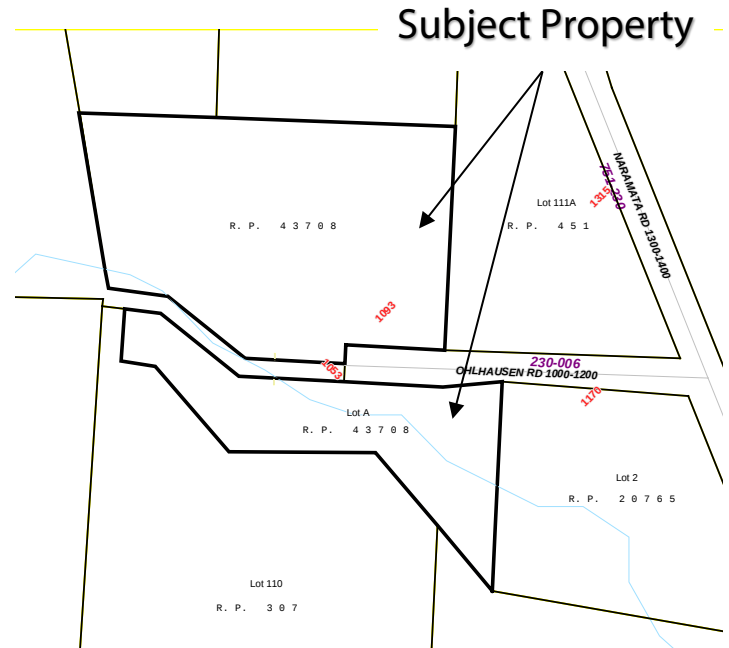
1093 Ohlhausen Road

Lot A, District Lot 199 and 672, Similkameen Division Yale
District, Plan 43708

Application:

Development Variance Permit PL2018-8236

The applicant is proposing to construct an agricultural farm help dwelling on a parcel that is 1.87 ha. To do so, the applicant requires a development variance permit to allow an agricultural farm help dwelling on a property that is less than 2 hectares in size.



An application has been made to vary the following section of Zoning Bylaw 2017-08:

- Section 9.2.5.1: to allow one (1) necessary agricultural farm help dwelling on a property that is less than 2 hectares in size.

Information:

The staff report to Council and Development Variance Permit PL2018-8236 will be available for public inspection from **Friday, June 8, 2018 to Tuesday, June 19, 2018** at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 pm, Tuesday, June 19, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.

Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, June 19, 2018** to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: publichearings@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the June 19, 2018 Council Meeting.

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.

Blake Laven, RPP, MCIP

Manager of Planning



Council Report

penticton.ca

Date: June 19, 2018
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 1093 Ohlhausen Road
Subject: Development Variance Permit PL2018-8236

File No: PRJ2018-106

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8236" for Lot A, District Lot 199 and 672 Similkameen Division Yale District Plan 43708, located at 1093 Ohlhausen Road, a permit to allow a necessary agricultural farm help dwelling on a property that is less than 2 hectares (1.87 hectares);

AND THAT staff be directed to issue "Development Variance Permit PL2018-8236".

Background

The subject property is zoned A (Agriculture) (Attachment 'B'), is designated in the City's Official Community Plan as AG (Agriculture) (Attachment 'C') and is also located within the Agricultural Land Reserve (ALR). The property owner currently farms (garlic) on the property. Photos of the site are included as Attachment 'D'. The property currently has a single family dwelling and a detached garage located in the south-eastern corner of the property.

The Agriculture (A) zone (Section 9.2.5.1) regulates that "necessary agricultural farm help dwellings are limited to one (1) unit on a property of at least 2 ha or more". The applicant has identified in their letter of intent that the proposed agricultural farm help building will be used as a dwelling for necessary farm help and also have a space for the curing, cleaning and packaging of the product (garlic) produced on their property. The applicant has also identified that the farm help dwelling is necessary to assist them in performing the labor required on their farm.

The applicant is proposing to construct an agricultural farm help dwelling on the property, which will be located along the northern property line, as indicated on the site plan (Attachment 'F'). The subject property is 4.613 acres (18,668 m²), and the Agriculture (A) zone allows for residential buildings to cover 10% of the property (1,866 m²). The existing residential buildings have a footprint of approximately 120 m² (single family dwelling = 80 m²; detached garage = 40 m²). The proposed agricultural farm help dwelling will have a footprint of approximately 140m² (1,500 sq. ft.), which is well within the permitted lot coverage for residential buildings.

Proposal

The applicant is proposing to construct a necessary agricultural farm help dwelling at 1093 Ohlhausen Road (1.87 ha parcel). To do so, the applicant requires a development variance permit to allow an agricultural farm help dwelling on a property that is less than 2 hectares in size. The proposed farm help dwelling would be approximately 140m² (1,500 sq. ft.) and provide a dwelling for necessary farm help. There would also be

space provided for the curing, cleaning and packaging of the farm product (garlic). The applicant is requesting a variance to the following section of Zoning Bylaw No. 2017-08:

- Section 9.2.5.1: to allow one (1) necessary agricultural farm help dwelling on a property that is less than 2 hectares in size.

Financial Implication

This application does not pose any financial implications to the City. Development costs are the responsibility of the developer.

Technical Review

This application was reviewed by the Planning and Engineering Department and there were no outstanding servicing or technical issues identified. The property owner will be responsible for providing services to the new dwelling unit. There is no municipal sewer in this area, and the property owner will be responsible to confirm that property sanitary solutions are in place and capable of managing the proposed addition.

The applicant is required to apply for and obtain a valid Building Permit for the construction of this building, which will require conformance with the BC Building Code.

Analysis

Approve Development Variance Permit

The subject property, located at 1093 Ohlhausen Road, currently has a single family dwelling and a detached garage constructed on the 1.87 hectare (4.613 acre) parcel. As indicated in the letter of intent (Attachment 'E'), the applicant is currently growing and producing organic garlic on the property. The applicant has indicated that the proposed building will be used for storing garlic after it is harvested (which requires specific temperatures, humidity and light levels), and have a dwelling unit for necessary farm help. The applicant has specified that they can only perform a small fraction of the labor required on the farm, as the garlic crop increases each year.

The applicable Agricultural Land Commission (ALC) Policy for this use is Policy L-09: Additional Residences for Farm Help Accommodation. This Policy identifies that the *Agricultural Land Commission Act* and the Regulation do not set a limit on the number of additional residences per parcel, nor do they regulate the size of the dwellings. The Policy specifically identifies that the additional residences must be necessary for farm use. Local governments are to determine if there is a legitimate need for an additional residence for farm help accommodation.

The Policy recommends determining that the parcel is in fact used for farm activities. Staff have confirmed that the subject property at 1093 Ohlhausen Road has 'farm' classification under the *Assessment Act*, which confirms that the property is partially used for farming activities. The Policy indicates that local governments can adopt detailed guidelines that are used to determine the legitimacy of the requests. The City of Penticton does not have such guidelines in place.

Staff attempted to refer the application to the City's Agriculture Advisory Committee, however, during the summer, the Committee does not have scheduled meetings and only meets as required. Staff attempted to schedule a meeting, however quorum was not going to be achieved for any of the attempted meetings. To allow this variance application to continue to move forward in the review process, Staff have brought the application to Council.

The applicant has identified that the farm help dwelling is necessary, as he is no longer able to complete the required labor necessary to produce his farm product (garlic). The applicant has selected a location that has a minimal impact on neighbouring properties. Due to the large sizes of lots in this neighbourhood, the addition of a farm help dwelling should be minimal. The proposed building is also being located in an area of the property where the terrain conditions are not ideal for growing the farm product (garlic), and therefore is not taking away from land that could be used for farming garlic.

Given the above, staff find the variance request is reasonable and recommend that Council support the application.

Deny Development Variance Permit

Council may consider that the proposed variance will negatively affect the neighbourhood. Additionally, Council may refer the application back to staff and request that the proposal be presented to the Agriculture Advisory Committee before the application proceeds back to Council.

Alternate Recommendations

1. THAT Council refer "Development Variance Permit PL2018-8236" back to staff, to be reviewed by the Agriculture Advisory Committee.

Attachments

Attachment A: Subject Property Location Map
Attachment B: Zoning Map of Subject Property
Attachment C: Official Community Plan Map of Subject Property
Attachment D: Images of Subject Property
Attachment E: Letter of Intent
Attachment F: Proposed Site Plan
Attachment G: Draft Development Variance Permit

Respectfully submitted

Nicole Capewell
Planner 1

DDS	CAO
	

Attachment A – Subject Property Location Map

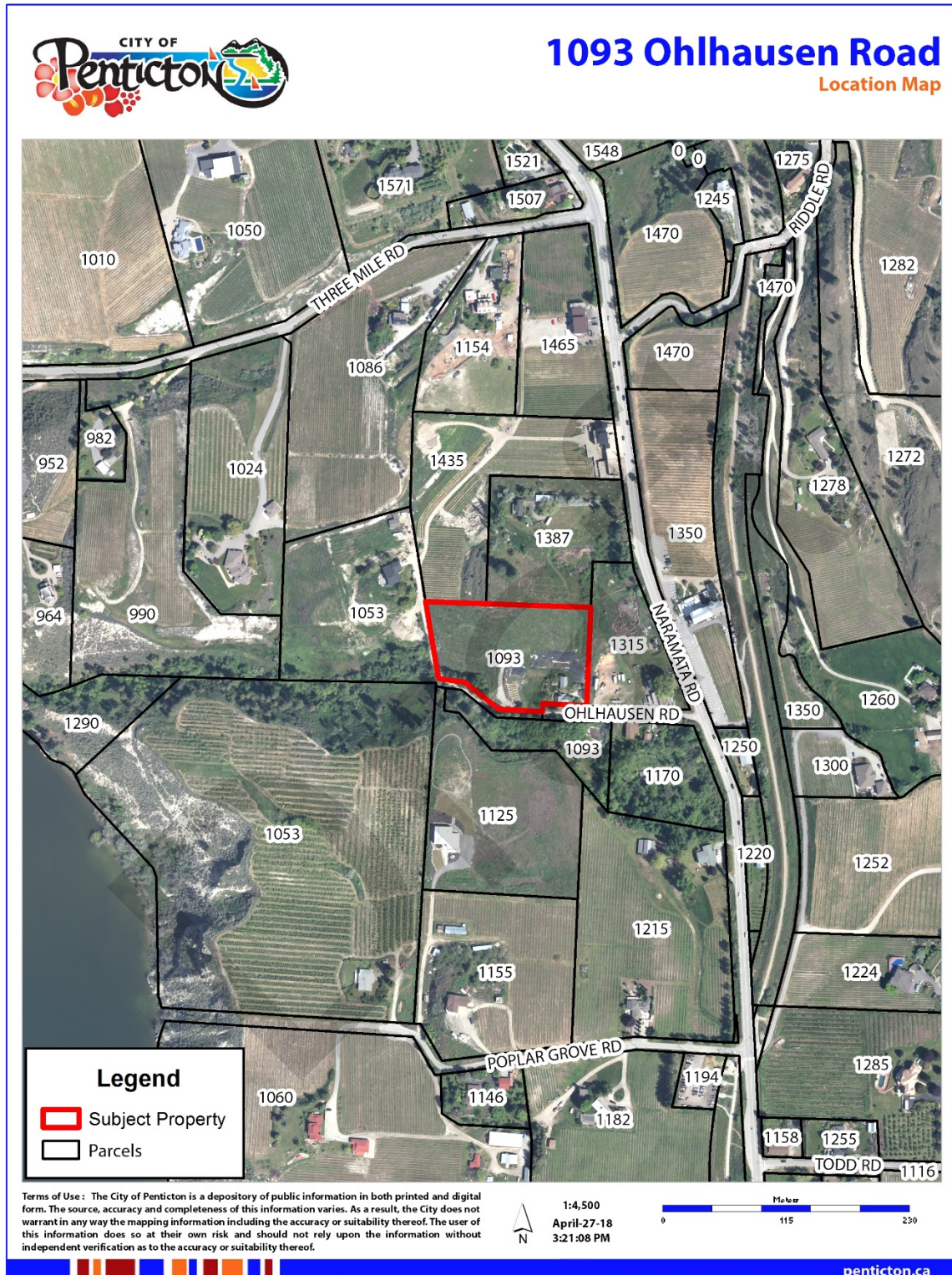
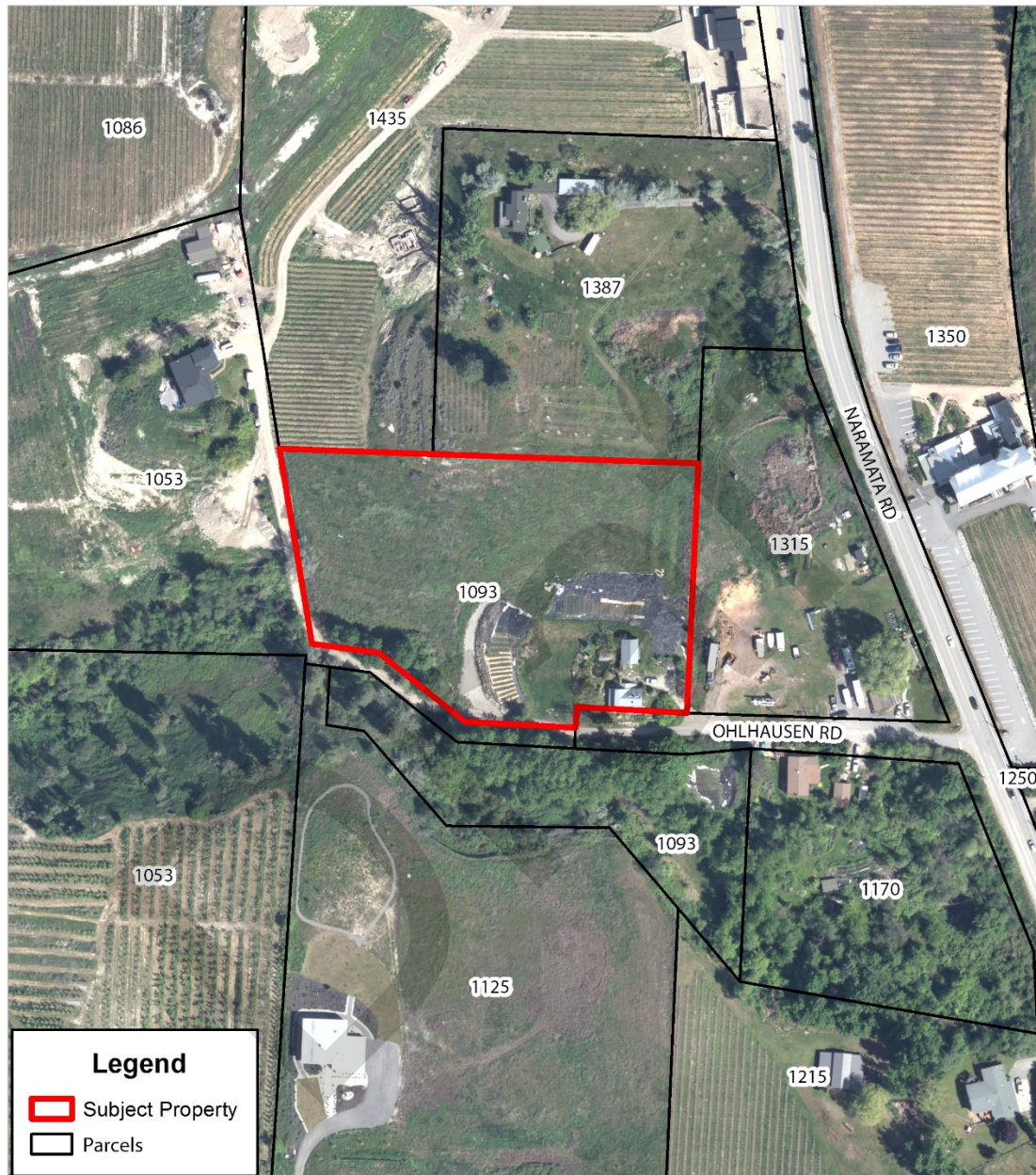


Figure 1 – Subject Property Highlighted in Red



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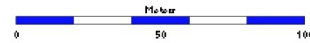


Figure 2 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

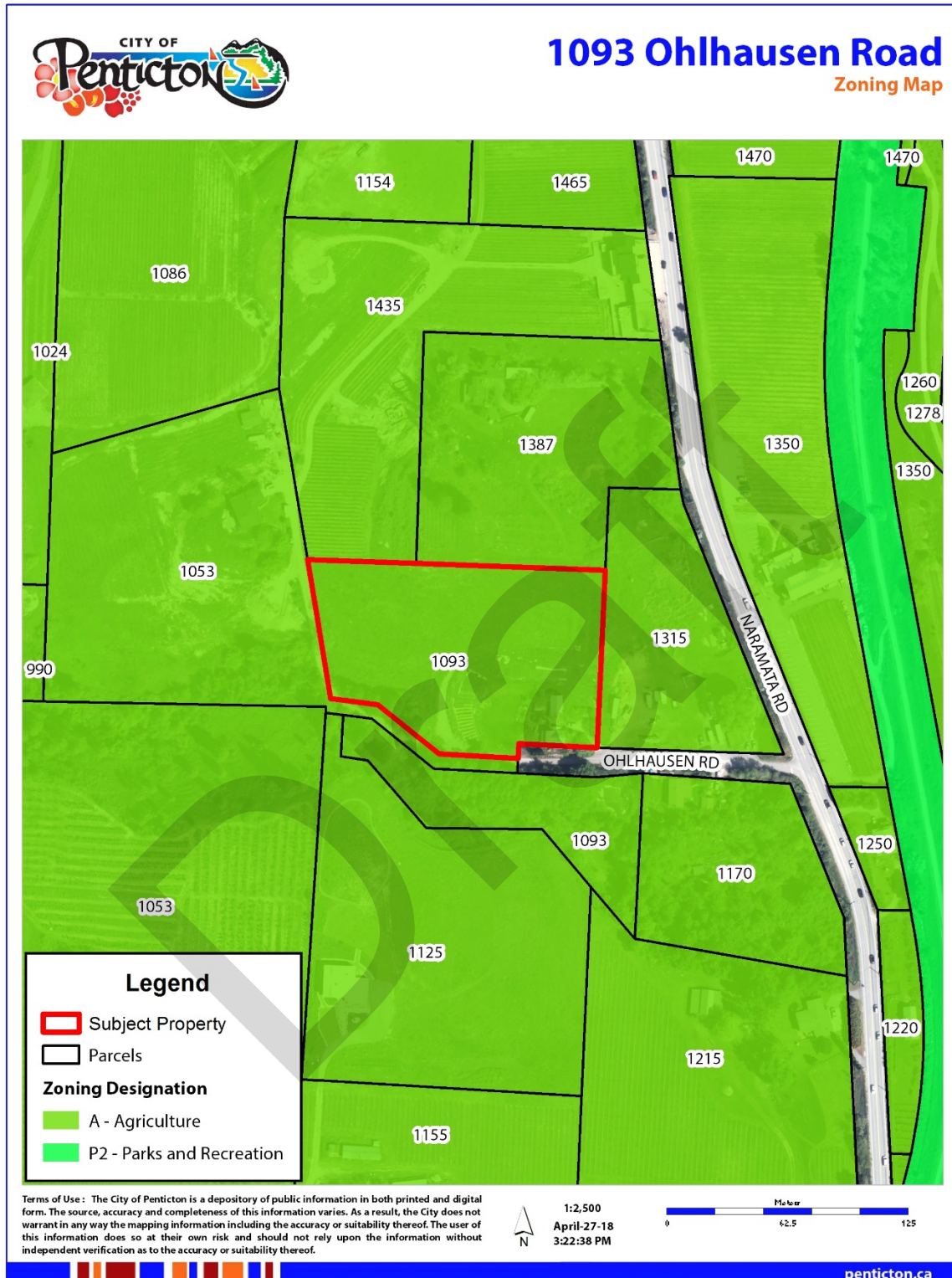


Figure 3 – Subject Property Currently Zoned A (Agriculture)

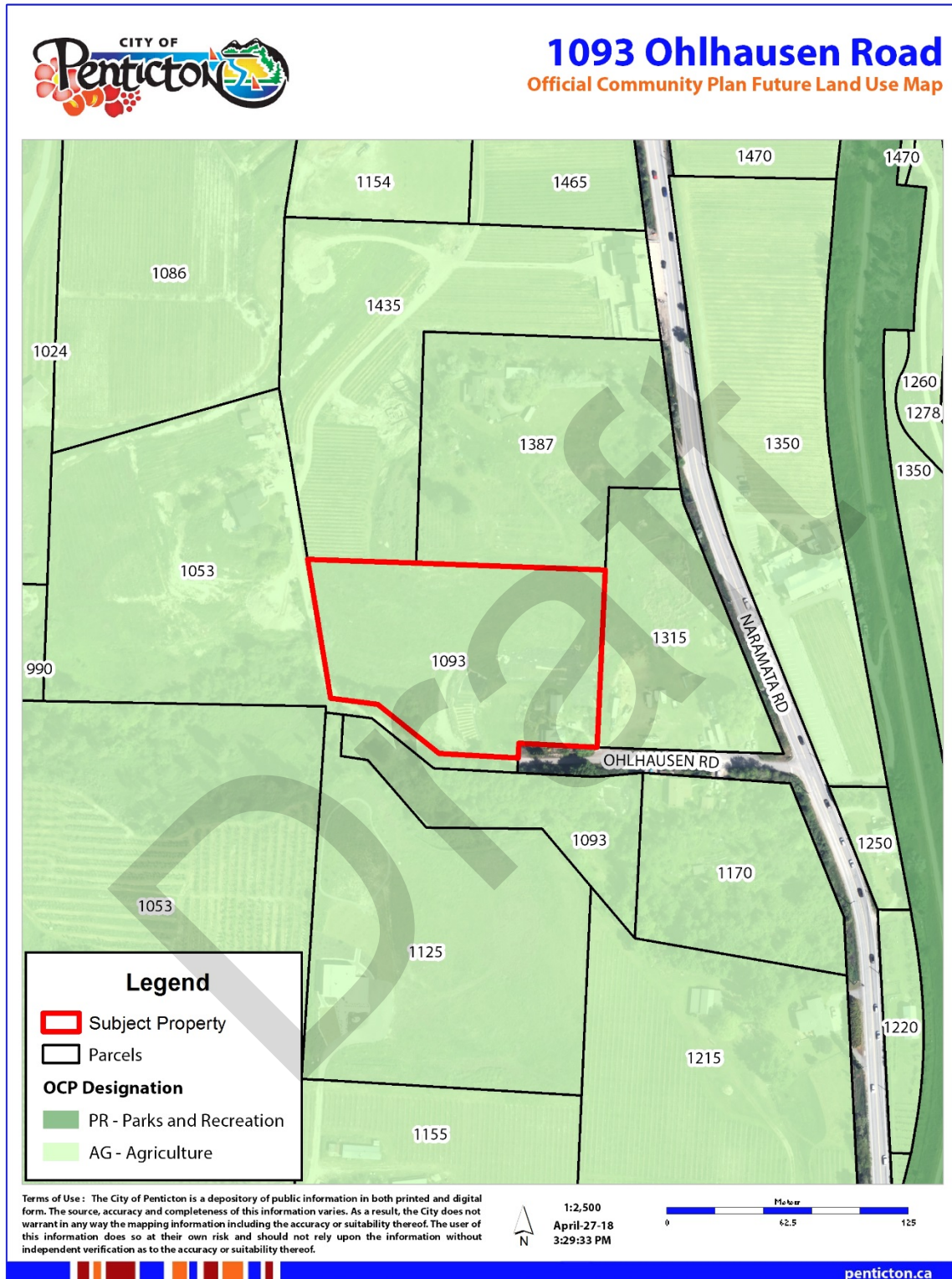


Figure 4 – Subject Property Currently Designated as AG (Agriculture) within Official Community Plan

Attachment D – Images of Subject Property



Figure 5 – Looking towards south east corner of property (house and detached garage)



Figure 6 – Looking towards south property line (taken from proposed dwelling location)



Figure 7 – Looking towards north property line (proposed dwelling location)



Figure 8 – Looking west towards properties between proposed dwelling location at 1093 Ohlhausen Road and Okanagan Lake

Attachment E – Letter of Intent

Penticton City Council
Planning Department
171 Main St
Penticton, B.C.
V2A 8T6

April 10, 2018

Dear Council Members,

Since my farm is slightly less than 2ha (1.87 ha), I am applying for a development variance permit so I can build a necessary farm help dwelling. After I was forced to remove my old apple orchard, I started planting garlic and earned CERTIFIED ORGANIC status in 2017. Last year I harvested 850 lbs and I intend to increase production by 50% per year over the next 4 years. In addition to housing farm help, I will need space for curing, cleaning, and packaging. Most importantly, I need a controlled area to store garlic at the right temperature, humidity, and light levels. This will extend shelf life for 9 months or more. It is almost impossible to find good quality organic garlic in the stores during winter and spring; I will be able to meet that need. The dwelling will be situated on a steep section of the property, not on arable land. I am 78 years old and in good health, but I can only perform a small fraction of the labor required:

Thank you for your consideration.

Yours truly,



Robert Wolfe
250 493 9443
robbiewolfe@shaw.ca

Juicy Gardens
1093 Ohlhausen Rd.
Penticton, B.C.
V2A 8T6

Figure 9 – Letter of Intent

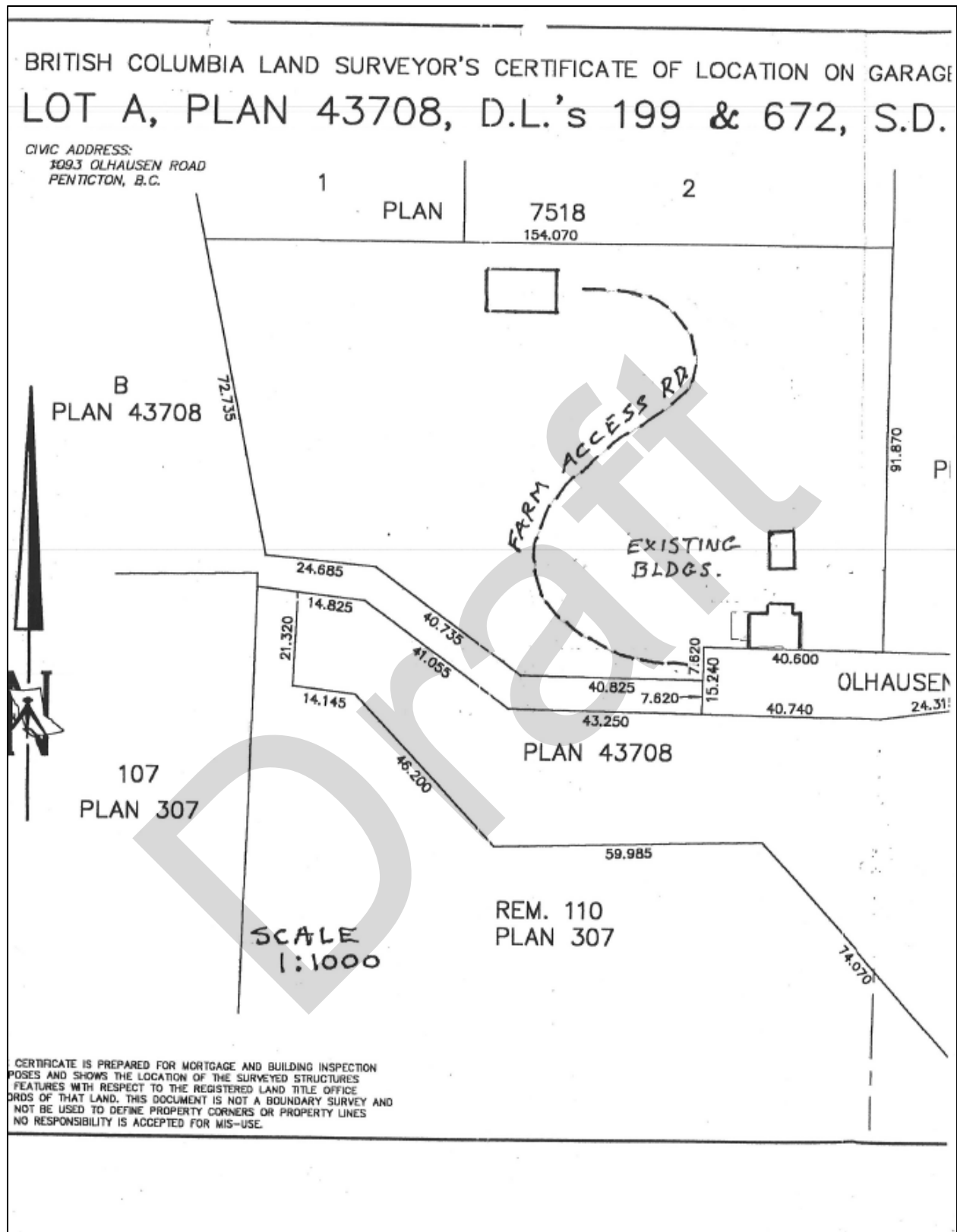


Figure 10 – Proposed Site Plan



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2018-8236

Property Owner Name
Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: Lot A, District Lot 199 and 672, Similkameen Division Yale District Plan 43708
Civic: 1093 Ohlhausen Road
PID: 016-419-448
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of an agricultural farm help dwelling:
 - a. Section 9.2.5.1: to allow one (1) necessary agricultural farm help dwelling on a property that is less than 2 hectares in size.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 17th day of April, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Draft