

January 10, 2019

Subject Property:

3550 Valleyview Road

Lot 206, District Lot 587,
Similkameen Division Yale District,
Plan 466

Application:

Rezone PL2018-8291

The applicant is proposing to legalize the existing straw-bale guest house and convert it to a sleeping unit for agri-tourism accommodation. Since this use is prohibited by our Zoning Bylaw, a site-specific zoning amendment to the Agriculture (A) zone is required, which states:

- "In the case of Lot 206, DL 587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use."

Information:

The staff report to Council and Zoning Amendment Bylaw 2019-01 will be available for public inspection from **Friday, January 11, 2019 to Tuesday, January 22, 2019** at the following locations during hours of operation:

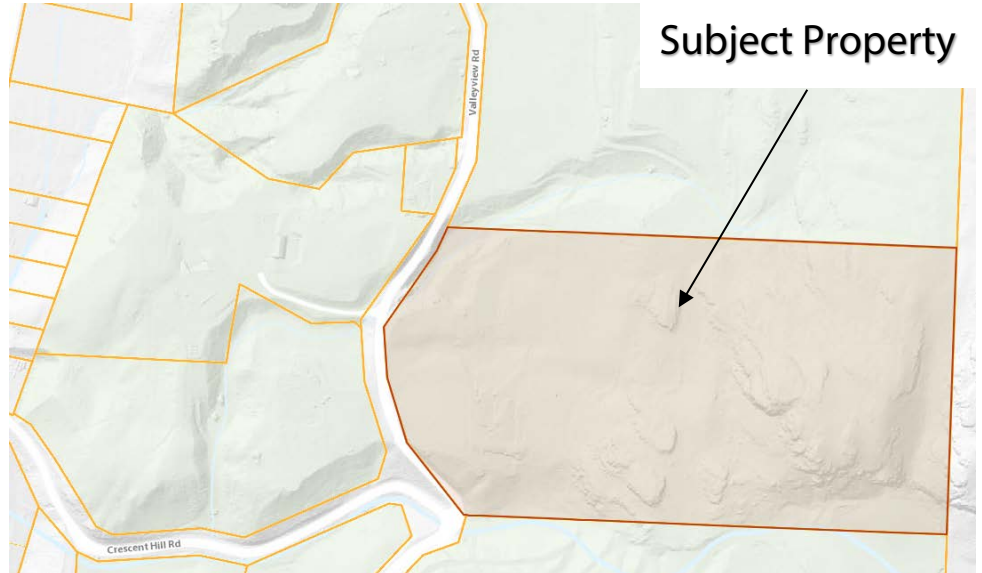
- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

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:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, January 22, 2019** 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, January 22, 2019** 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 January 22, 2019 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.

Blake Laven, RPP, MCIP

Manager of Planning



Council Report

penticton.ca

Date: January 8, 2019
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 3550 Valleyview Road
Subject: Zoning Amendment Bylaw No. 2019-01

File No: 2018 PRJ-154

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2019-01", a bylaw to add Section 9.2.6.11: "In the case of Lot 206, DL 587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use," be given first reading and forwarded to the January 22, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-01", a road dedication is registered with the Land Title Office.

Background

The subject property (Attachment A) is zoned A (Agriculture) and RC (Country Residential Housing) and is located within the Agricultural Land Reserve (ALR). Photos of the site are included as Attachment D. The lot is approximately 8.58 ha in area and features a single family dwelling, accessory structures and a straw-bale guest house which is the subject of this rezoning application. Surrounding properties are designated by the OCP as AG (Agriculture) and RC (Country Residential). The property is located in the south east portion of the City, close to the intersection of Crescent Hill Road and Valleyview Road. Organic vegetables and flowers are grown on approximately 2 acres of the parcel, with cattle, horses and residential uses occupying the remaining portions of the land. The lot slopes significantly from east to west.

In 2004, a 1-storey, 600ft² straw-bale guest house was constructed on the subject property without a building permit. The house has a living room, bedroom and a bathroom, but no cooking facilities. The applicant is proposing to use this house as agri-tourism accommodation, which requires an amendment to the zoning bylaw and compliance to the current BC building code.

As per Part 2 (Permitted Uses), Section 3 (1a) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation of the Agricultural Land Commission Act, accommodation for agri-tourism on a farm is permitted as a non-farm use, unless prohibited by a local government bylaw, if:

- i) All or part of the parcel is classified as a farm under the assessment act, which is the case here.

- ii) The accommodation is limited to 10 sleeping units (with no cooking facilities). The proposal is for one sleeping unit.
- iii) The total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel. The proposal is for less than 1% of the parcel.

Proposal

The applicant is proposing to legalize the existing straw-bale guest house and convert it to a sleeping unit for agri-tourism accommodation. Since this use is in fact prohibited by our Zoning bylaw, a site-specific zoning amendment to the Agriculture (A) zone is required, which states:

- “In the case of Lot 206, DL 587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use.”

Technical Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works departments. Comments were received as follows:

Road Dedication

A portion of Valleyview Road has historically crossed through the subject property. It is not an ideal situation to have a public road crossing through private property as the City is not able to maintain the steep bank alongside the east portion of Valleyview Road (*Figures 7 and 9*). The proposed zoning amendment allows the City to rectify this situation. The exact dimensions of the road dedication will not be known until a surveyor is on-site with City engineers to determine the best location for the new property line. The intention is for the City to have enough land to safely maintain the road while minimizing the impact on the homeowner. It is not the City’s intention to widen the road as part of this rezoning application. The City has agreed to pay for the surveying and legal costs, but will not pay for the land costs. The owner is well aware and has agreed to the conditions.

Building Permit Requirements

If the request for the zoning amendment is supported, conformance to the current building code is required. Since a straw-bale house is not a permitted method of construction in the BC Building Code, engineer sign off and alternate solutions to the building code will be required as part of building permit issuance. Electrical and plumbing permits will also be required.

Analysis

Support “Zoning Amendment Bylaw No. 2019-01”

The City’s OCP policies speak to supporting and promoting agri-tourism and bed and breakfast operations. This provides a unique opportunity for tourists to experience the agricultural industry first hand and better understand the processes involved with fruit and wine production. The increase in tourists in the area can also provide an economic benefit for farmers.

As part of a rezoning application, staff analyzed the impacts on neighbouring properties and on farming operations. In this case, the proposed straw-bale house is existing, located in an area outside of the farming operations occurring on the property. There is an adequate buffer from adjacent properties, and the traffic increase will be minimal. The driveway will not be expanded and parking for the accommodation will utilize existing spaces. The property's principal use remains as agriculture, with the proposed guest suite acting as a supplementary income to support farming operations. Additionally, support of the rezoning will correct a historically encroaching road onto private property.

The straw-bale house could be considered a carriage house under Zoning Bylaw No. 2017-08 if it had a cooking facility. This would be a permitted use, and no zoning amendment would be required. The issue is, however, that the ALC does not allow carriage houses, thus it must meet the provisions for agri-tourism accommodation which is highlighted in the Background section of this report.

To conclude, agri-tourism accommodation is permitted by the ALC and the impact on the neighbourhood will be minimal with the zoning change. The owner has shown a willingness to legalize the guest house while also agreeing to give away land to correct the boundary of Valleyview Road. For these reasons, Staff are recommending that Council support the application.

Agriculture Advisory Committee

Staff generally seek advice from the City's Agriculture Advisory Committee for rezoning applications on agriculture land. The applicant applied for the rezoning application at the end of May of this year, and the previous Agriculture Advisory Committee has not met since April of this year due to a busy growing season. Due to the recent municipal election, a new Agriculture Advisory Committee has not yet been put in place and therefore won't be meeting until the spring. Given the minor scale of the proposal, and the further hold up that it will cause the applicant, staff felt comfortable proceeding without advice from the committee. Council may wish to postpone first reading of the bylaw until advice is sought from the Agriculture Advisory Committee.

Deny/Refer Zoning Amendment

Approval of the amendment would allow the property owner to construct up to 10 sleeping units on this property in the future for the purposes of agri-tourism accommodation. If this is a concern, Council may wish to limit the number of permitted sleeping units to one. Additionally, Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate. Staff do not recommend denial of the zoning amendment as the encroaching road situation will be not corrected without paying for the land costs.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-01"
2. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-01", and direct staff to engage the land owner on purchasing the land within the road dedication area.
3. THAT Council refer the bylaw to the City's Agriculture Advisory Committee for a recommendation.

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: Preliminary Road Dedication Design
Attachment G: Building Elevations
Attachment H: Floor Plan
Attachment I: Letter of Intent
Attachment J: Zoning Amendment Bylaw No. 2019-01

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	CAO PW
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Attachment A – Subject Property Location Map

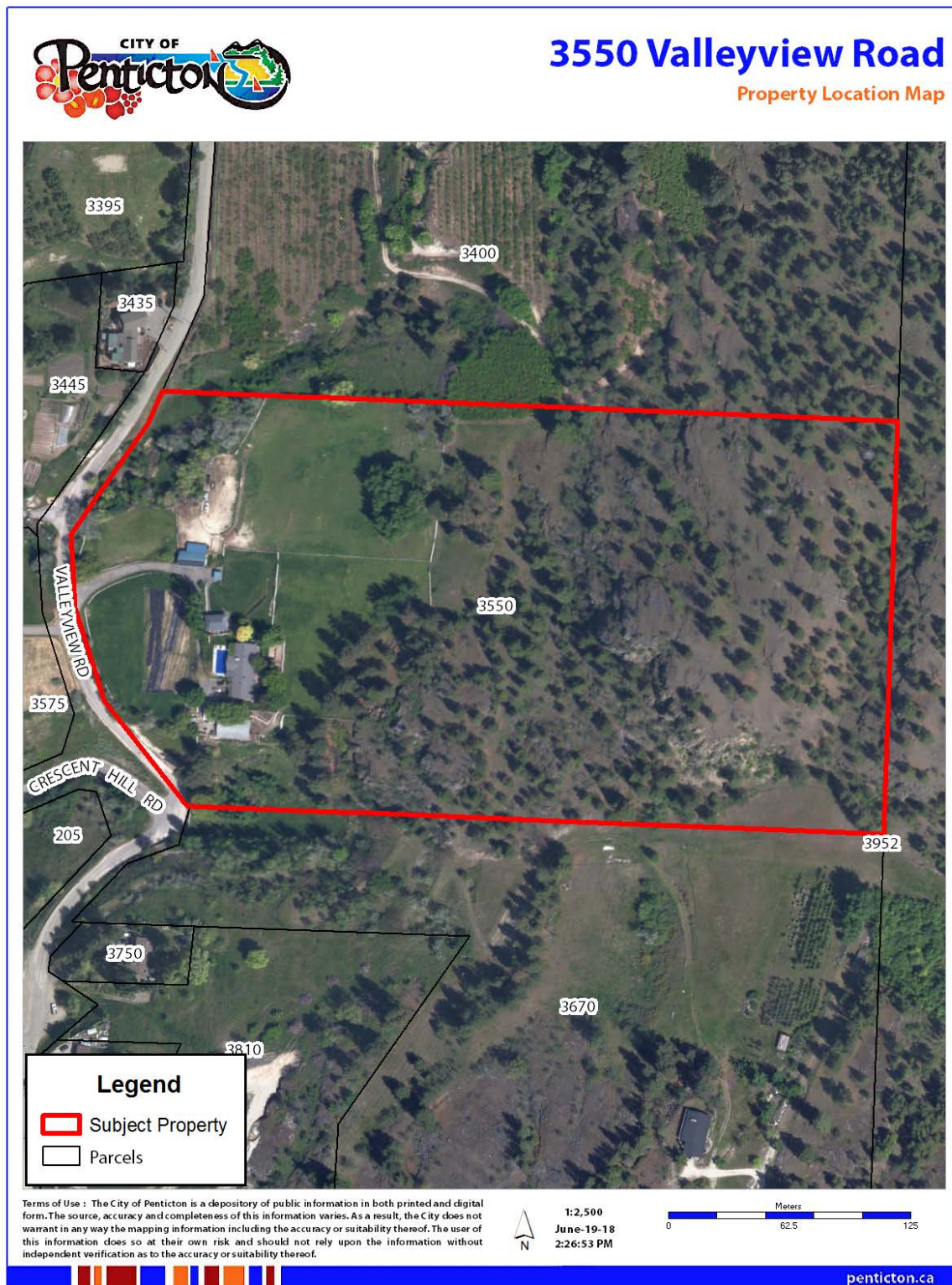


Figure 1: Subject Property Location Map

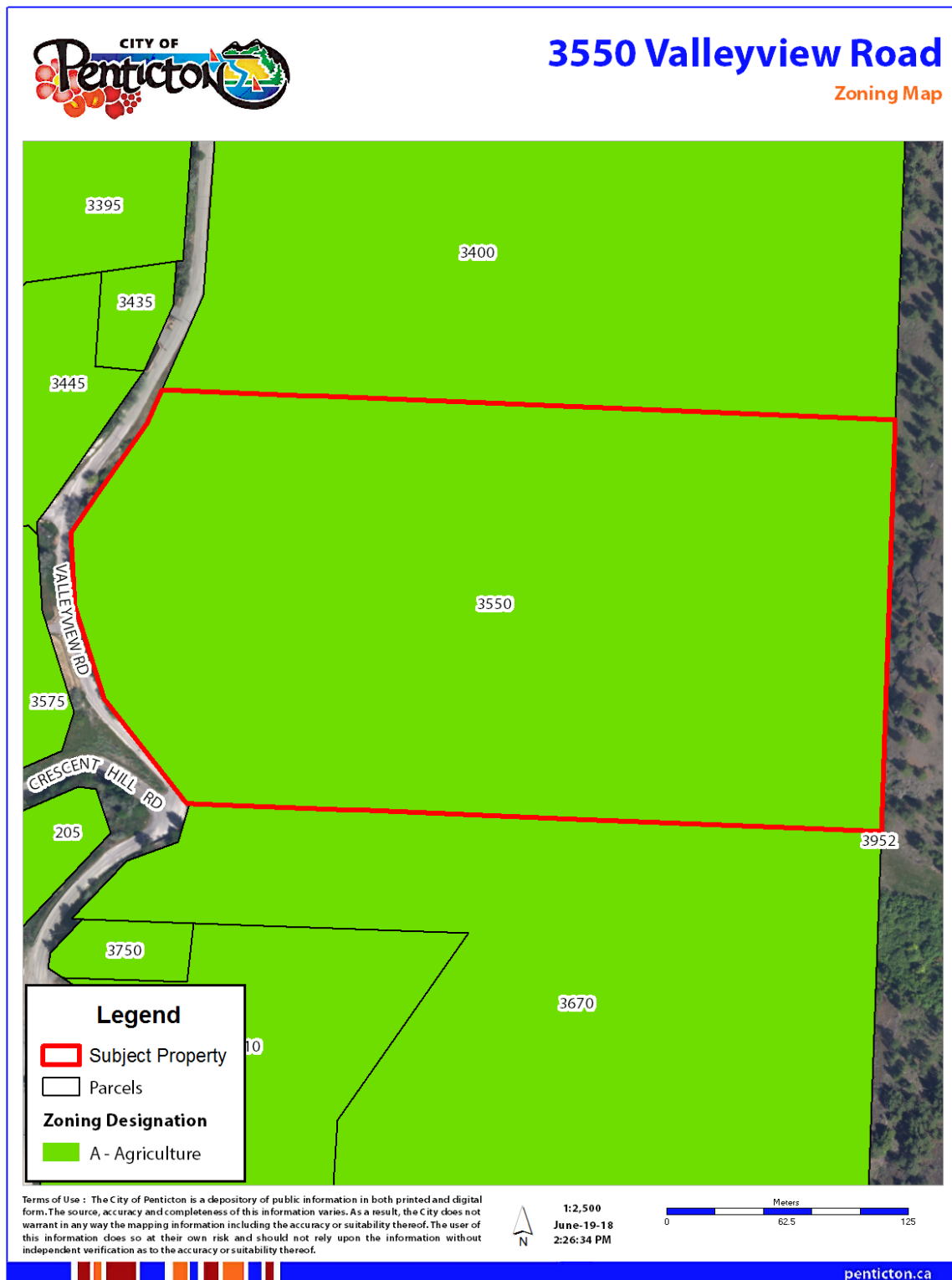


Figure 2: Zoning Map

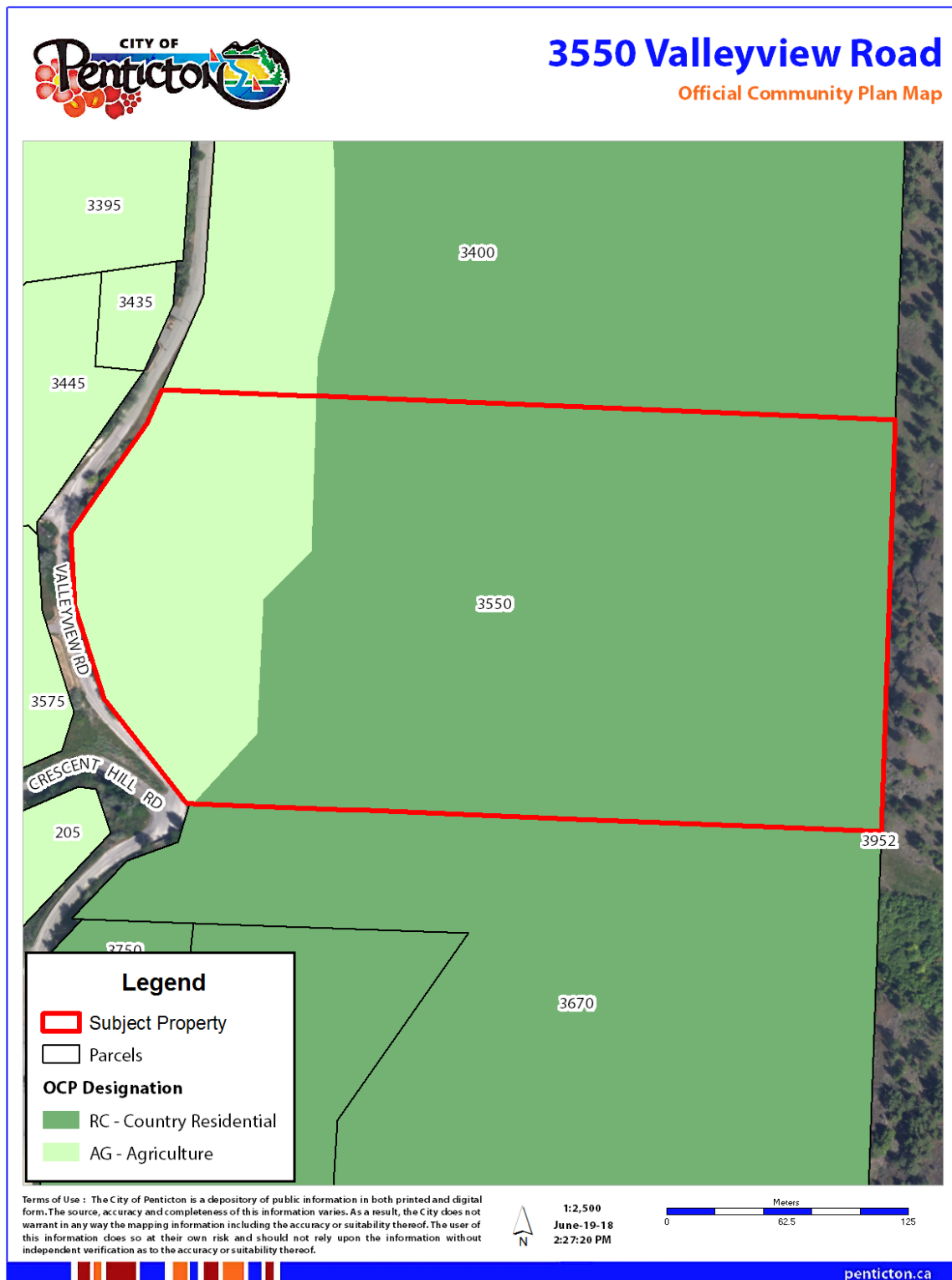


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South Elevation



Figure 5: East Elevation



Figure 6: Existing Dwelling



Figure 7: Slope at Intersection of Crescent Hill and Valleyview Road



Figure 8: Site Plan showing existing structures

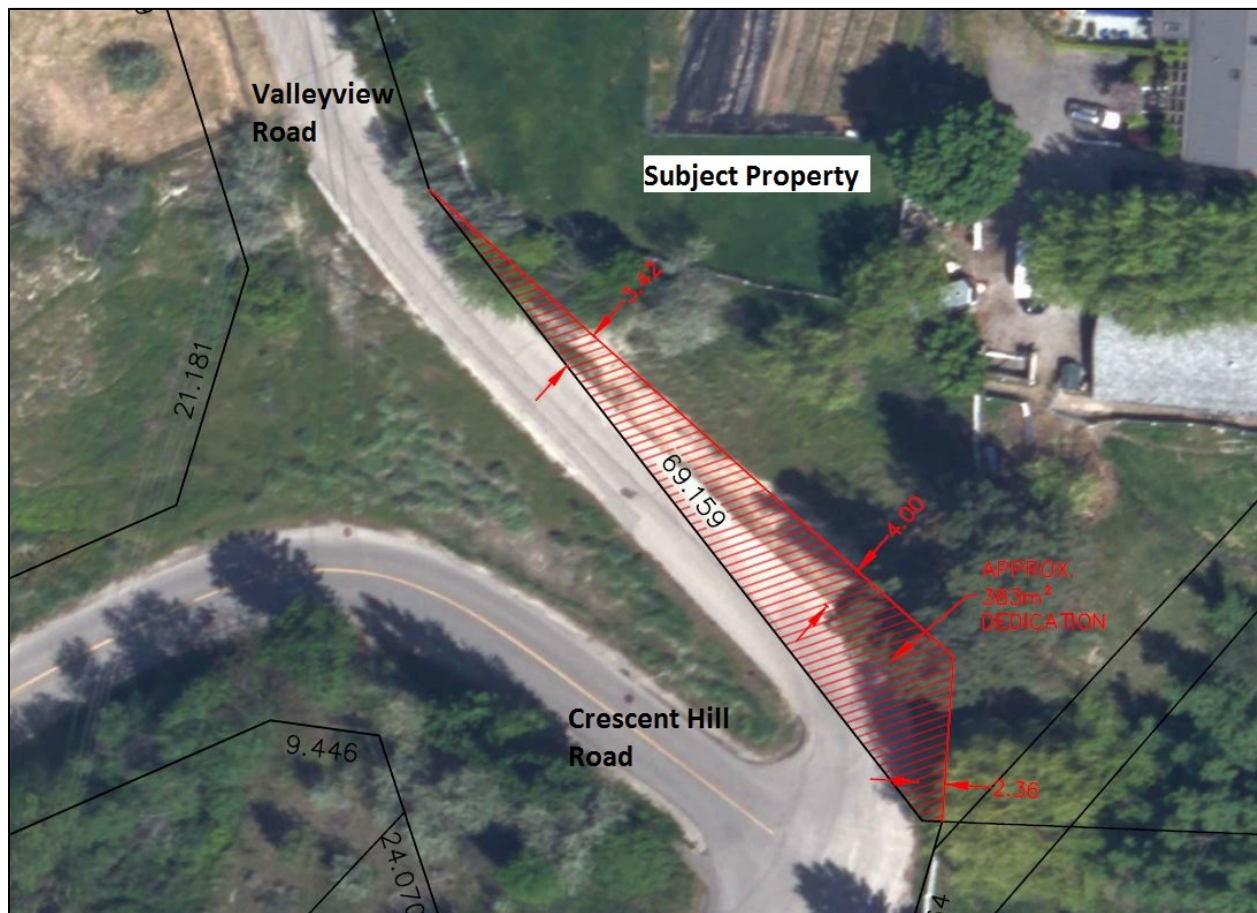


Figure 9: Preliminary Design

Attachment G – Building Elevations

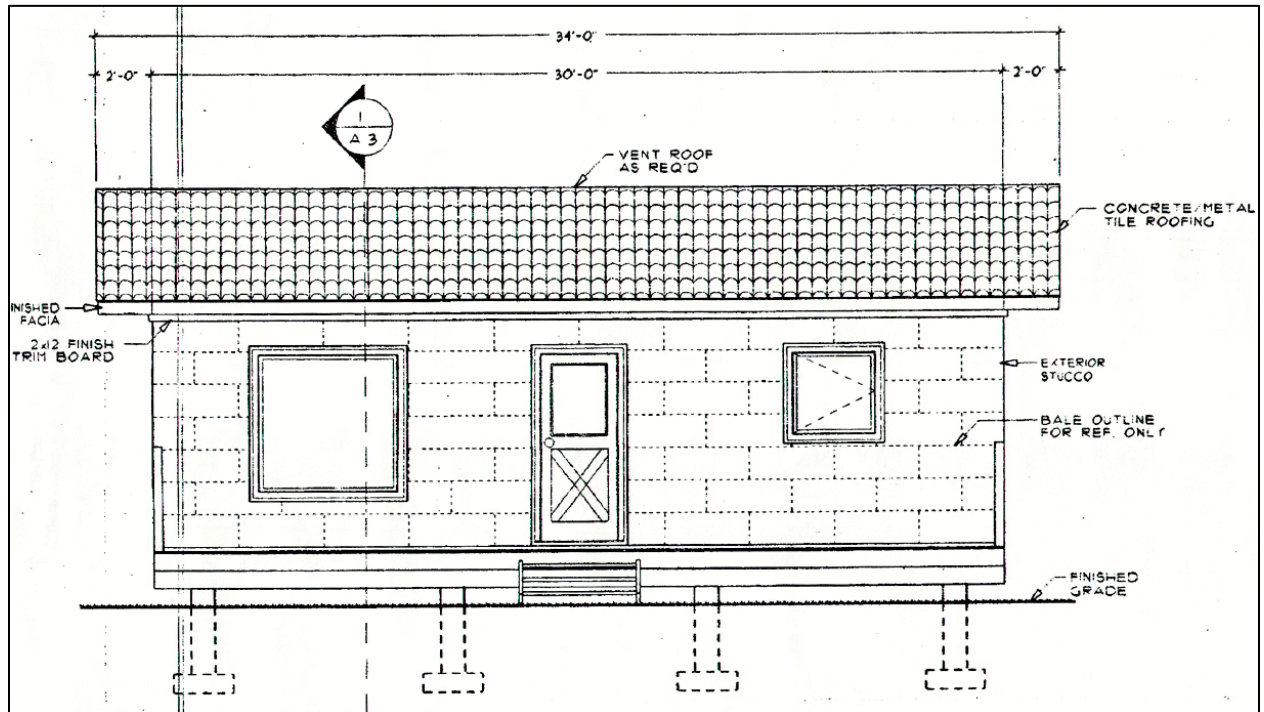


Figure 10: South Elevation

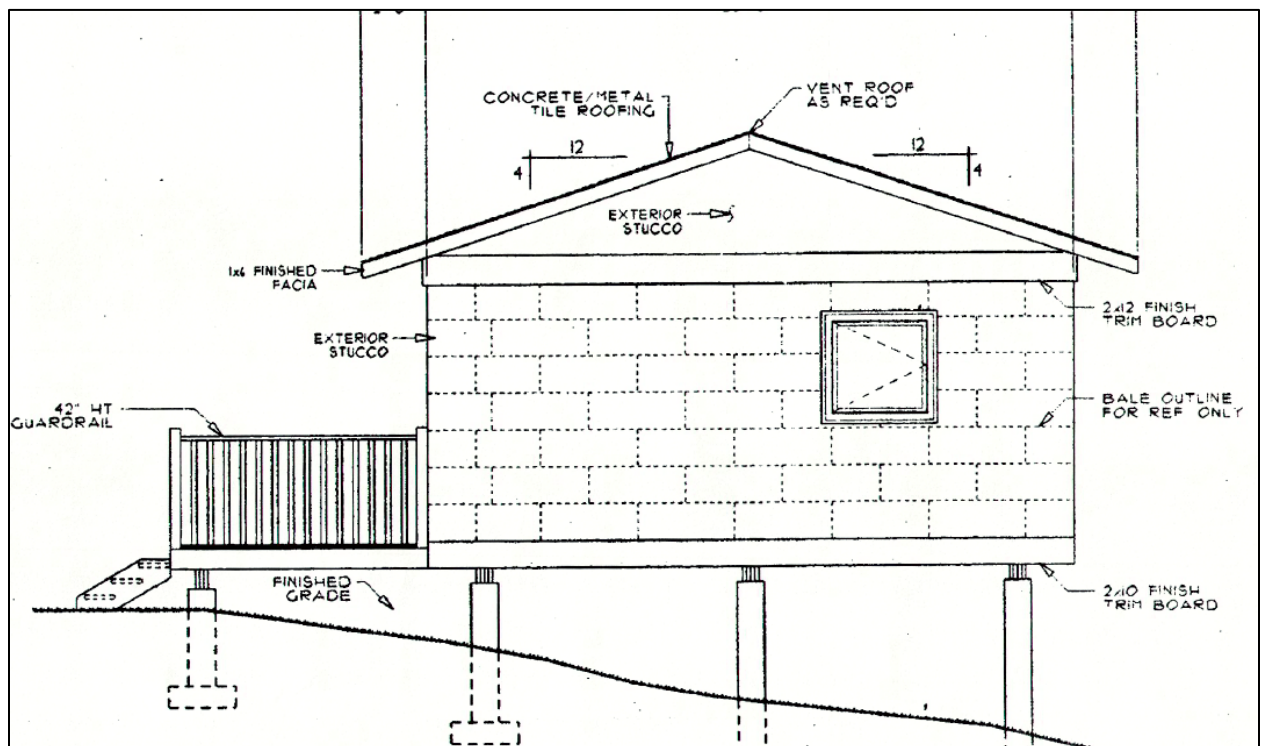


Figure 11: East Elevation

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Attachment I – Letter of Intent

3550 Valleyview Road

Penticton, B.C.,

V2A 8W9

May 29, 2018

City of Penticton

Planning Department-Development Services Division

171 Main Street

Penticton, B.C.,

V2A 5A9

Dear Planning Department,

This is a request to obtain a Rezoning/Zoning Bylaw Text Amendment for tourist accommodation for the above property.

This would be temporary accommodation for the travelling public in a detached building with a sleeping room on our property. (Agritourism). This building does not have a kitchen and would be only used for short term rentals during the summer months while we are present on the property.

Our plan is to supplement our farm income with this building and also to promote tourism and agriculture within Penticton.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature is 'Colleen' followed by a stylized surname. The second signature is 'Brad' followed by a stylized surname. Both signatures are written in a cursive, flowing style.

Colleen and Bradford Raison

Figure 13: Letter of Intent

