

May 9, 2019

Subject Property:
856 Carder Road

Lot B, District Lot 187, Similkameen Division Yale District Plan
38091

Application:
Rezone PL2019-8498

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. '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."

Information:

The staff report to Council and Zoning Amendment Bylaw 2019-15 will be available for public inspection from **Friday, May 10, 2019 to Tuesday, May 21, 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, May 21, 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, May 21, 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 May 21, 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: May 7, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 856 Carder Road
Subject: Zoning Amendment Bylaw No. 2019-15

File No: 2019 PRJ-056

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:
 - o Agricultural heritage exhibit;
 - o Tour of the agricultural land, educational active on farm operations;
 - o Cart, sleigh and tractor rides;
 - o Activities that promote or market livestock raised or kept on the land;
 - o Petting zoos;
 - o Dog trials;
 - o Harvest festivals;
 - o 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
2. THAT Council give first reading of "Zoning Amendment Bylaw No. 2019-15" with conditions.

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

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Attachment A – Subject Property Location Map

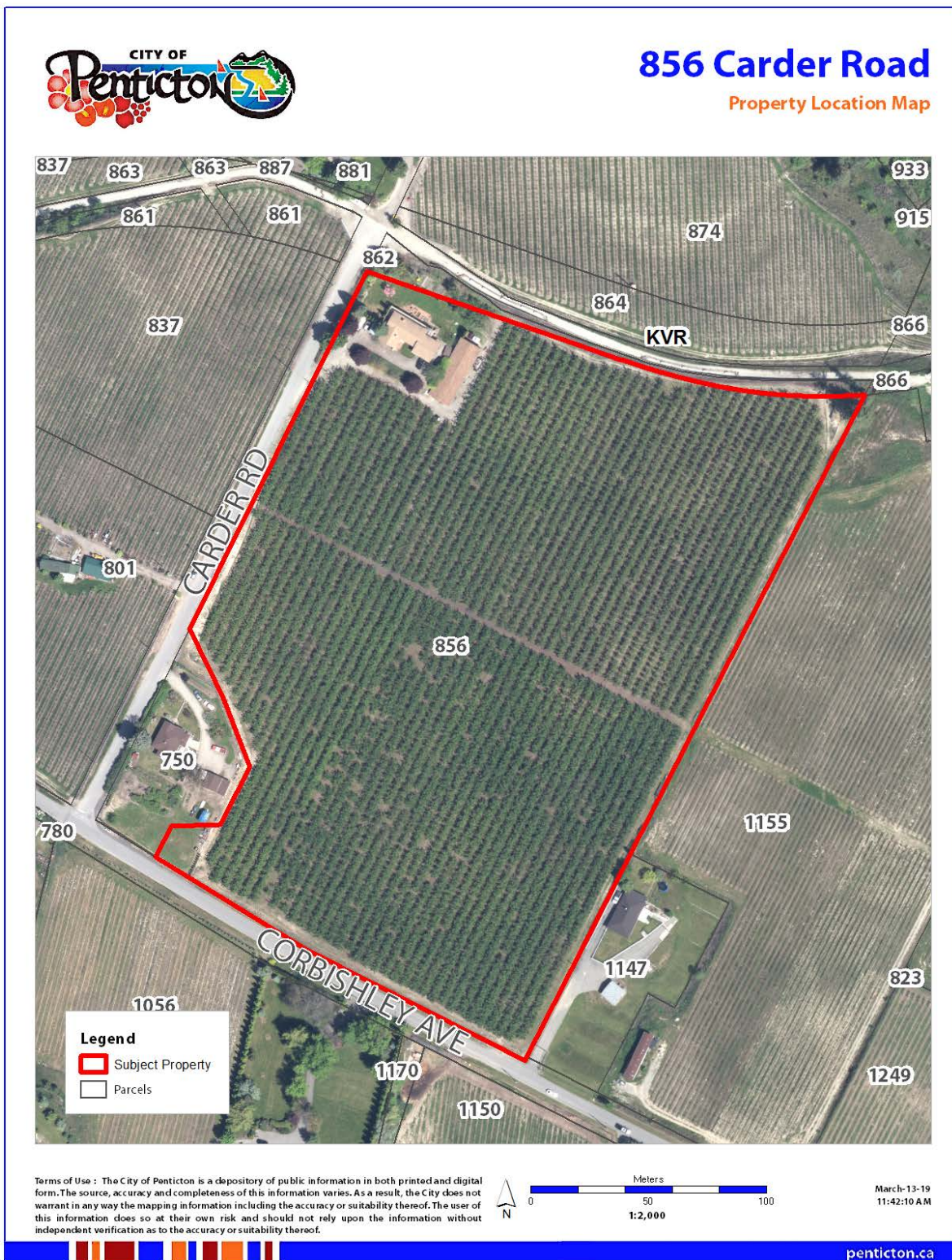


Figure 1: Subject Property Location Map





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

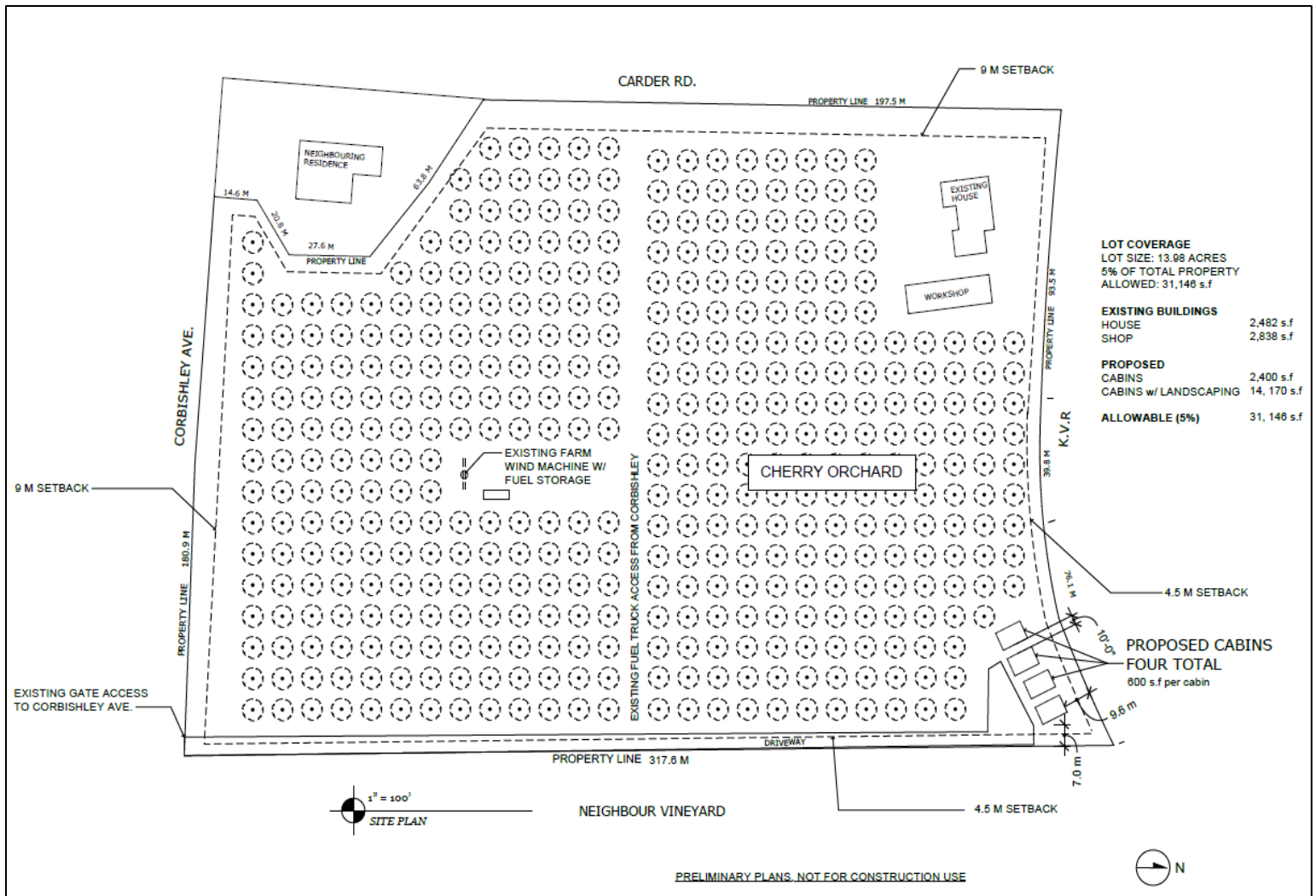


Figure 7: Site Plan

Attachment F – Building Elevations

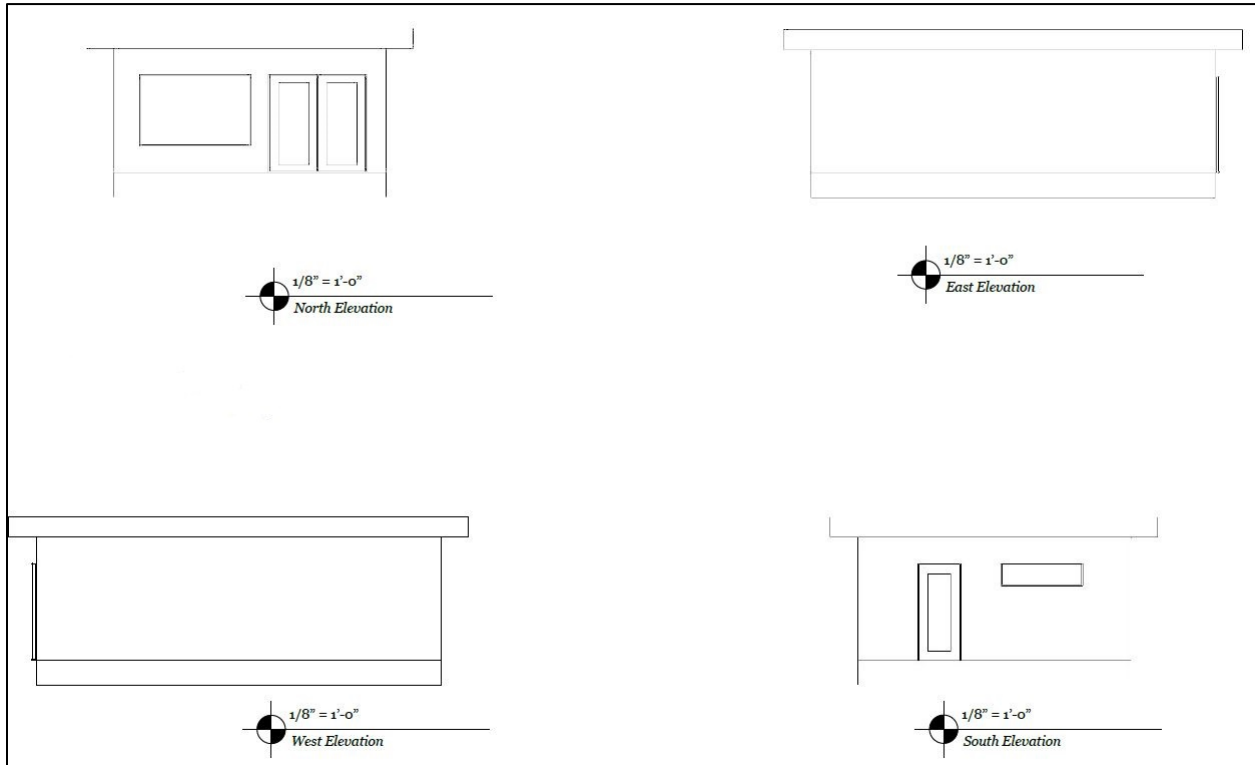


Figure 8: Building Elevations

Attachment G – Floor Plan

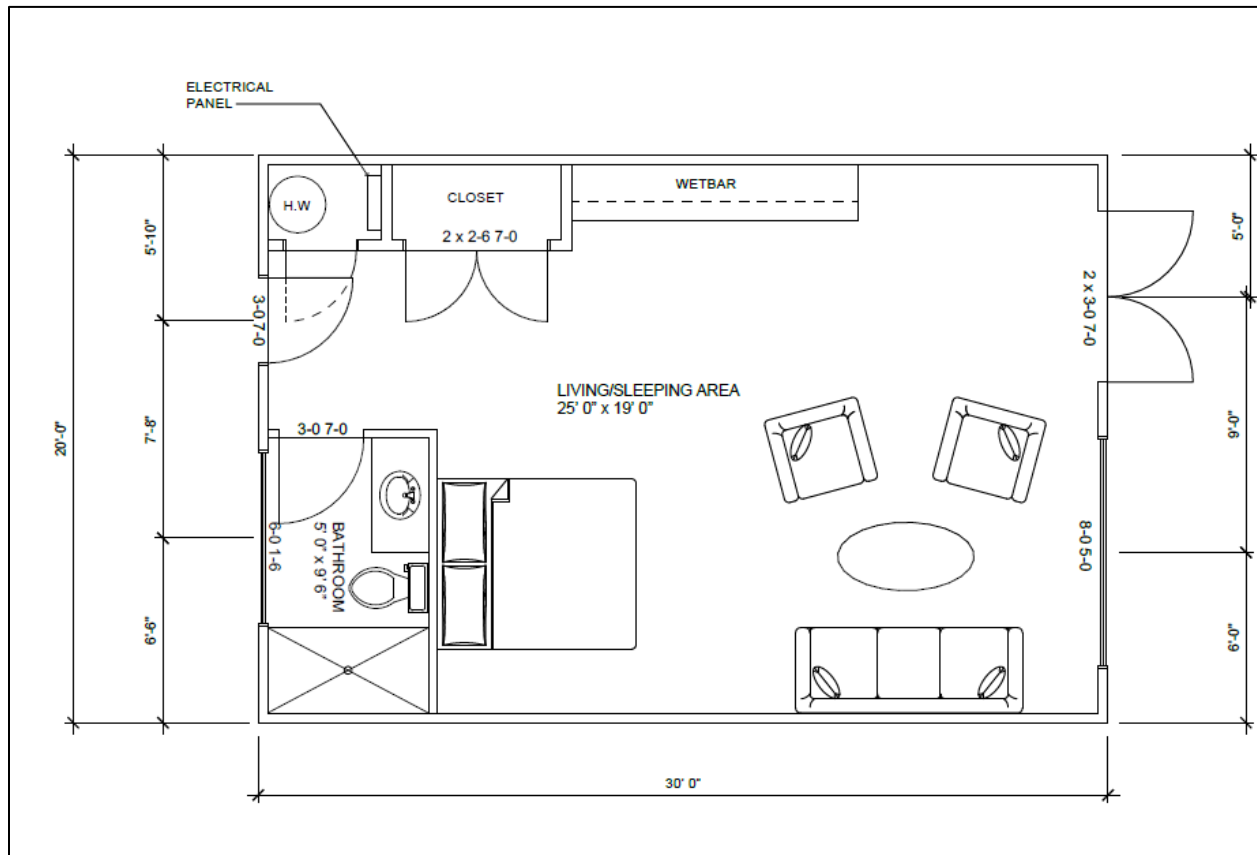


Figure 9: Floor Plan

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 Peggi, 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,

Handwritten signatures of Nancy Bokla and Bill Bokla in cursive script.

Bill & Nancy Bokla

Figure 10: Letter of Intent

Zoning Amendment Bylaw No. 2019-15

Corporate Officer: _____