

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

Tuesday, January 22, 2019
at 6:00 p.m.

1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2019-01”** 1-17
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2019-01” (3550 Valleyview Road)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- Add the following site specific provisions to section 9.2.6:
- .11 In the case of Lot 206, DL587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use.
- The applicant is proposing to legalize the existing straw-bale guest house and convert it to a sleeping unit for agri-tourism accommodation.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, January 11, 2019 and Friday, January 18, 2019 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, January 16, 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. 2019-01” is terminated and no new information can be received on this matter.

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, January 8, 2019
at 1:00 p.m.

Resolutions

- 15.1 Zoning Amendment Bylaw No. 2019-01
Re: 3550 Valleyview Road

12/2019

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

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

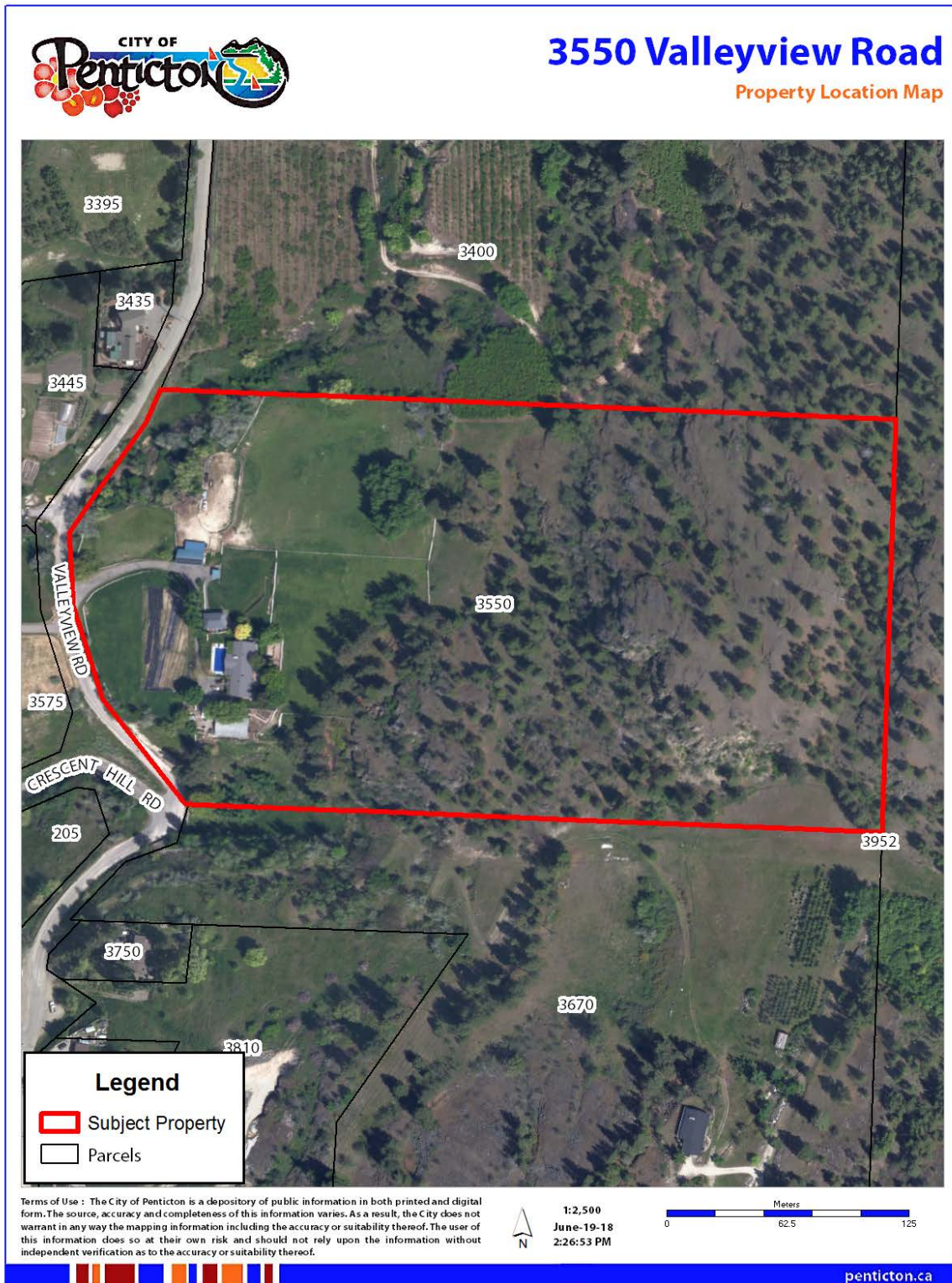


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

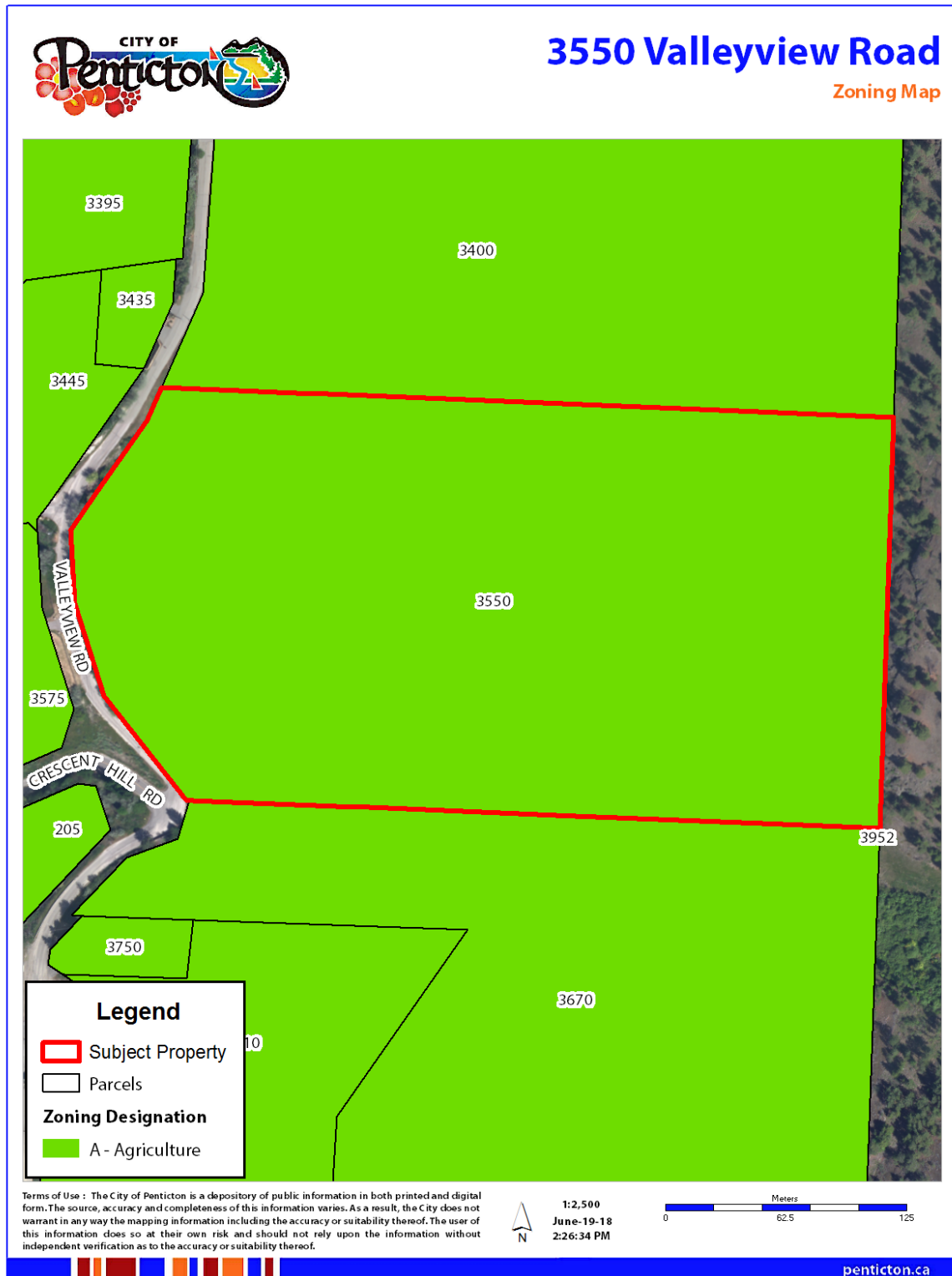


Figure 2: Zoning Map

Attachment C- OCP Map

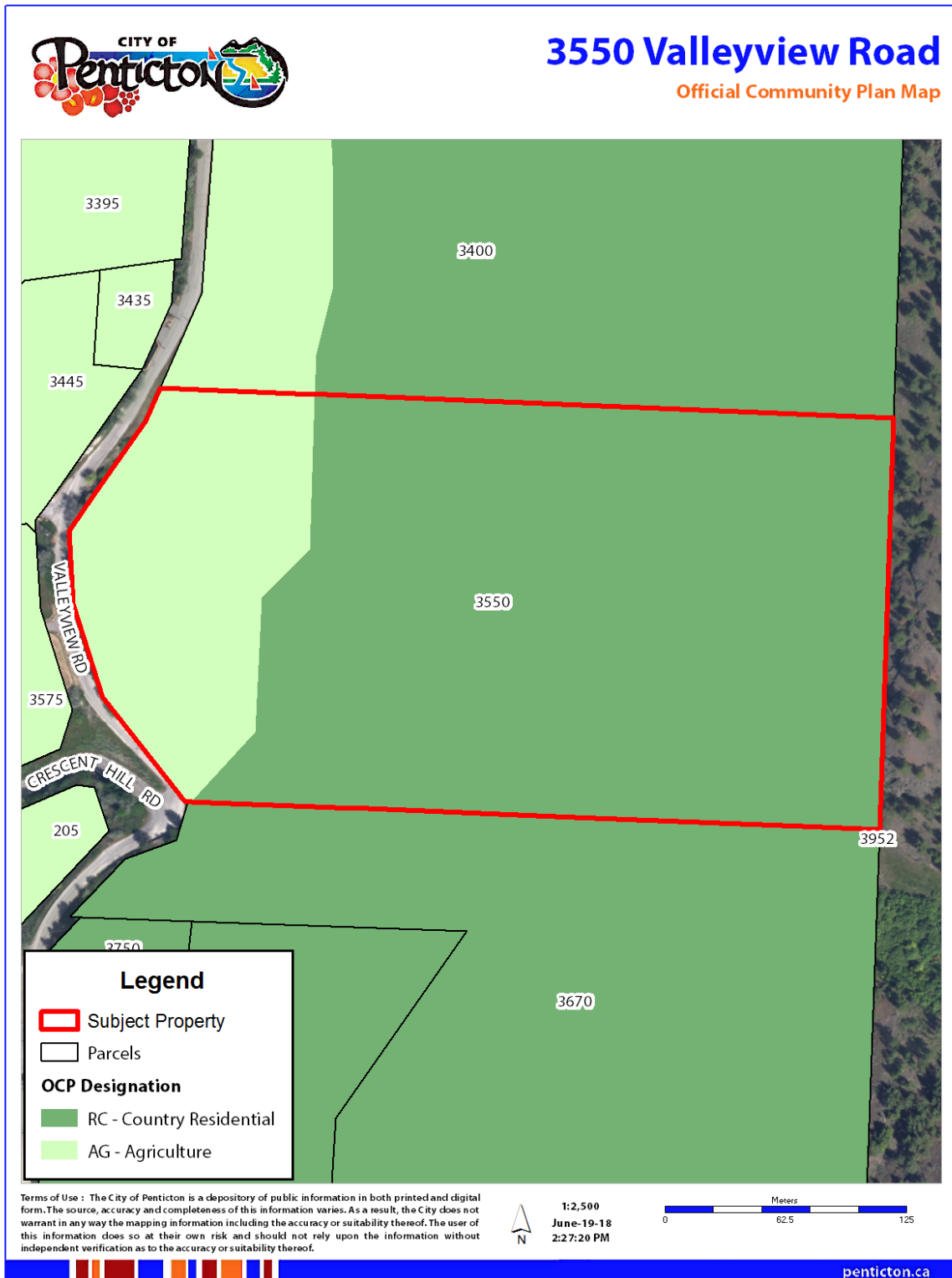


Figure 3: OCP Map

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

Attachment E – Site Plan



Figure 8: Site Plan showing existing structures

Attachment F – Preliminary Road Dedication Design

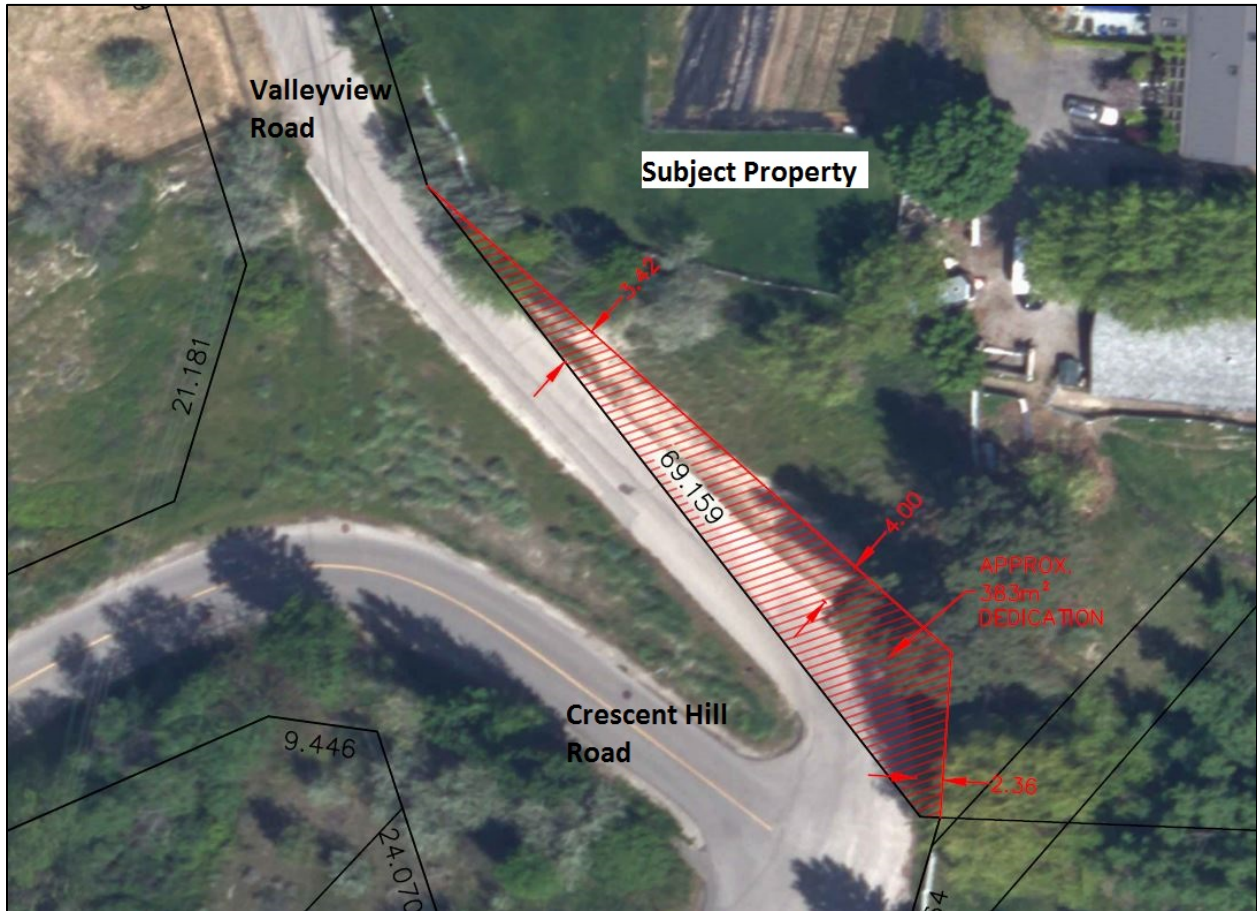


Figure 9: Preliminary Design

Attachment G – Building Elevations

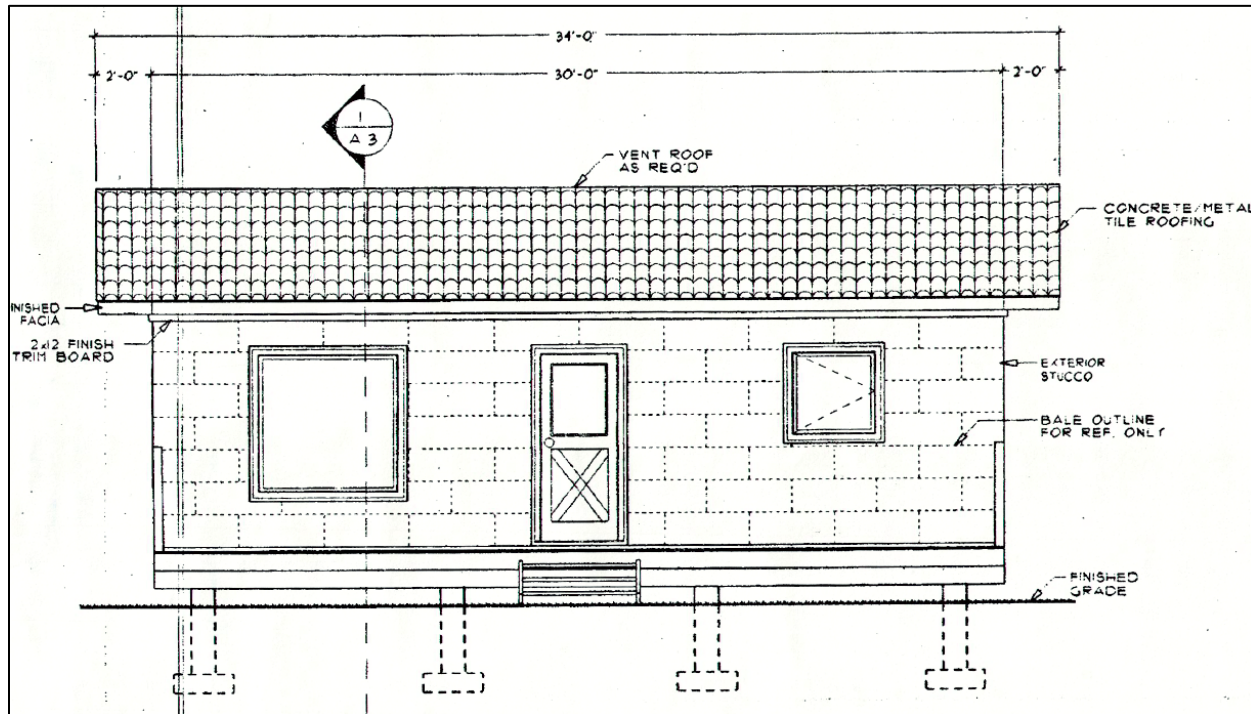


Figure 10: South Elevation

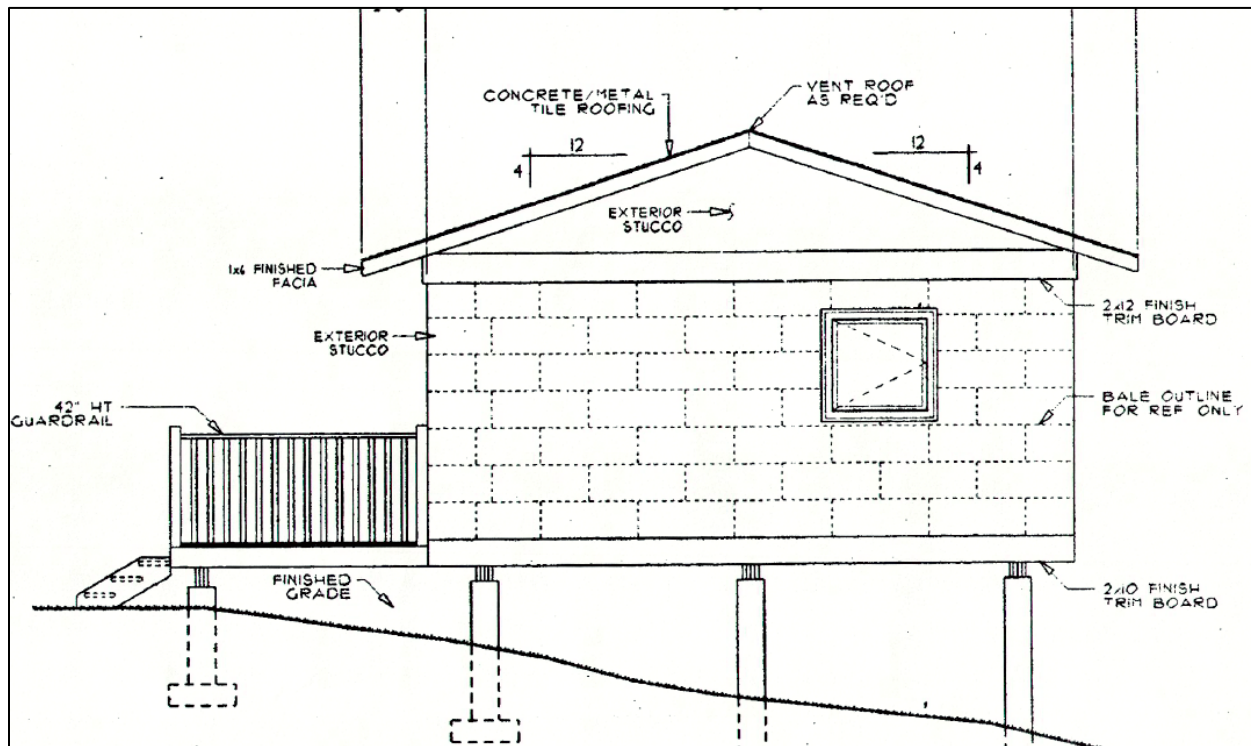


Figure 11: East Elevation

Attachment H – Floor Plan

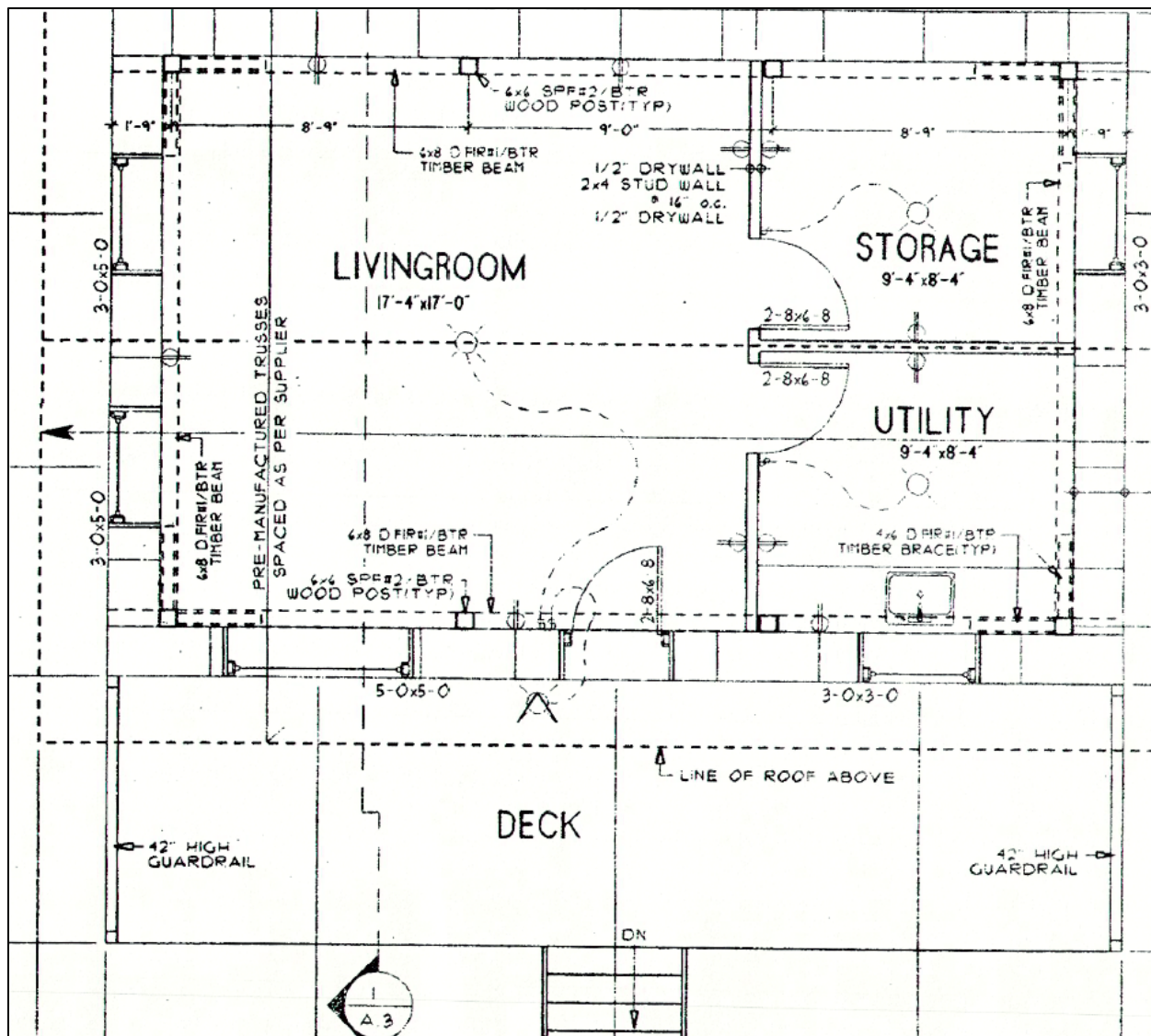


Figure 12: Floor Plan

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,



Colleen and Bradford Raison

Figure 13: Letter of Intent

Bylaw No. 2019-01

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. 2019-01".

2. **Amendment:**

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

.11 In the case of Lot 206, DL587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use.

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

READ A FIRST time this	8	day of	January, 2019
A PUBLIC HEARING was held this	22	day of	January, 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 11 day of January, 2019 and the 18 day of January, 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

Add agri-tourism as a permitted use at 3550 Valleyview Rd

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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-01

Date: _____

Corporate Officer: _____