

Agriculture Advisory Committee Meeting to be held via Zoom

**Public attendance at committee meetings continues to be restricted due to limited space and the physical distancing requirements. If you'd like to watch or listen to the live Committee meeting, please email Committees@Penticton.ca 24-hours prior to the commencement of the meeting for the Zoom meeting participation details. You will have an opportunity to ask questions related to the agenda at the end of the meeting.*

**Wednesday, January 20, 2021
at 3:00 p.m.**

1. **Call Regular Committee Meeting to Order**

2. **Adoption of Agenda**

3. **Adoption of Minutes**

3.1 Minutes of the October 21, 2020 Agriculture Advisory Committee Meeting **1-3**

Staff Recommendation:

THAT the Agriculture Advisory Committee adopt the minutes of the October 21, 2020 meeting as presented.

4. **New Business**

4.1 345 Lower Bench Rd – ALR NARU Application – Audrey Tanguay, Planning Manager and Steven Collyer, Planner II **4-21**

Staff Recommendation:

THAT the Agriculture Advisory Committee provide staff with guidance on "ALR Non-Adhering Residential Use PL2020-8879", to increase the total floor area of a principal residence from 500m² (5,382 sq. ft.) to 1,751.7m² (18,855 sq. ft.), to allow for an addition onto the existing single family dwelling, located at 345 Lower Bench Road.

4.2 2021 Agriculture Advisory Committee Schedule – Alysa Wardley, Legislative Assistant **22**

Staff Recommendation:

THAT the Agriculture Advisory Committee 2021 meetings be held on January 20, February 17, March 17, April 21, May 19, June 16, July 21, August 18, September 22, October 20, November 17 and December 8 at City Hall or via Zoom at 9:00 a.m. unless otherwise specified.

5. **Public Question Period**

6. **Adjournment**

Agriculture Advisory Committee Meeting

To be held via Zoom
Wednesday, October 21, 2020
at 3:00 p.m.

Present: Doug Mathias, Vice Chair
Annelise Simonsen (*Left the meeting at 3:29 p.m.*)
Kristi Tatebe
Jesse Chapman
Darshan Jassar
Erica Stewart
Nick Ibuki

Council: Julius Bloomfield, Councillor

Staff: Steven Collyer, Planner 1
Paula McKinnon, Legislative Assistant

Regrets: Rod King, Chair
Paul Gardner
Chris Holler

Guest: Katya Irwin, Word Count Consulting

1. **Call to Order**

The Agriculture Advisory Committee was called to order by the Vice Chair at 3:05 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on October 21, 2020 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of the July 22, 2020 Agriculture Advisory Committee Meeting

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee adopt the minutes of the July 22, 2020 meeting as presented.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 Roundtable Introductions

Committee members and staff participated in roundtable introductions to welcome two new appointed voting members to the Committee for the remainder of the term.

4.2 Committee Terms of Reference Update – Paula McKinnon, Legislative Assistant

The Legislative Assistant provided a brief overview of the notable changes made to the Committee's updated Terms of Reference.

Kristi Tatebe, Member at Large, entered the meeting at 3:19 p.m.

4.3 Food Systems Strategy Working Group Update – Annelise Simonsen

Annelise Simonsen, Member at Large, provided the Committee with a brief update on the make-up of the group. The Committee was also informed that the working group is currently seeking a consultant to develop the food systems strategy plan by fall 2021 for approval providing them with a year to complete the community engagement research aspect of it. The implementation phase following approval is currently scheduled for 1.5 years.

4.4 October 6, 2020 Council Resolution Re: 375 Smythe Drive - Zoning Amendment Bylaw No. 2020-41 – Steven Collyer, Planner 1

The Planner 1 presented to the Committee the proposed Zoning Amendment Bylaw No. 2020-41, a bylaw to rezone the subject property located at 375 Smythe Drive from A (Agriculture) zone to RM1 (Bareland Strata Housing) zone with various site-specific provisions.

The Committee was also informed that a Public Hearing is scheduled for Monday, November 2, 2020 at 6:00 p.m.

Members inquired on various topics including whether an arable land assessment report was conducted and provided, when the property was last farmed, estimated range of costs for the intersection upgrade, development cost charges, how this development will impact any present or future agricultural operations in the area, whether any agreements are attached to the property as well as neighboring properties and whether a storm drainage plan will be conducted.

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee recommends that Council support "Zoning Amendment Bylaw No. 2020-41" to rezone the property from A (Agriculture) zone to RM1 (Bareland Strata Housing) zone with site-specific provisions to prohibit duplexes and townhouses, set a maximum density of 27 single detached dwellings, and increase the permitted building height from 8.5 m to 10.5 m.

DEFEATED

Kristi Tatebe, Nick Ibuki and Doug Mathias, Opposed

5. **Next Meeting**

The next Agriculture Advisory Committee meeting is tentatively scheduled to be held on November 18, 2020 at 3:00 p.m.

6. **Public Question Period**

7. **Adjournment**

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee adjourn the meeting held on October 21, 2020 at 4:16 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Paula McKinnon
Legislative Assistant

Memo to Committee

Date: January 20, 2021
To: Agriculture Advisory Committee
From: Nicole Capewell, Planner II
Address: 345 Lower Bench Road

File No: RMS/345 Lower Bench Road

Subject: ALC Non-Adhering Residential Use –345 Lower Bench Road

Staff Recommendation

THAT the Agriculture Advisory Committee provide staff with guidance on “ALR Non-Adhering Residential Use PL2020-8879”, to increase the total floor area of a principal residence from 500m² (5,382 sq. ft.) to 1,751.7m² (18,855 sq. ft.), to allow for an addition onto the existing single family dwelling, located at 345 Lower Bench Road.

Background

The subject property is located at 345 Lower Bench Road (Figure 1), which is located along the Naramata Bench. The applicant(s) are intending to complete an addition to the existing single family dwelling, which would include a large conservatory area, which the plans note as luxury car showroom, garage, storage, entrance and foyer areas. The applicant(s) proposal to construct the additional floor space exceeds the ALR Use Regulation of a maximum total floor area of 500m² for a principal residence, and therefore requires approval from the Agricultural Land Commission (ALC). The applicants are requesting an increase of total floor area for the principal residence from 500m² (5,382 sq. ft.) to 1,751.7m² (18,855 sq. ft.).

Currently, the subject property has a principal residence and several outbuildings on the property including:

1. Main House (including an existing attached garage) – 961.7m² (10,351 sq. ft.) three storey main house used for the principal residence.
2. Shop #1 – 140m² (1,506 sq. ft.) single storey building currently used for landscape equipment and plants. No plans to change this structure in the future.

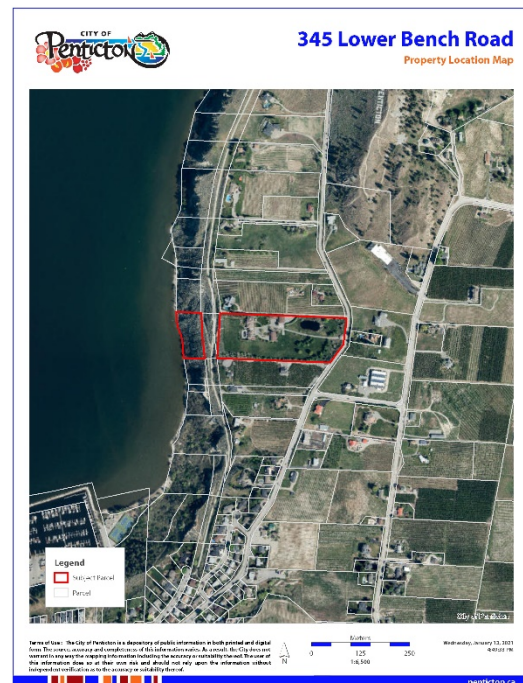


Figure 1 - Property Location Map

3. Shop #2 – 188m² (2,023 sq. ft.) single storey building currently used for equipment storage. No plans to change this structure in the future.
4. Equipment Farm Building – 266m² (2,863 sq. ft.) single storey structure that is currently used for motorhome and tractor storage (with restrictive covenant to allow for farm help residence).

The subject property is primarily located within the ALR (Figure 2). The applicants have indicated within the site plan the existing structures on the property (Attachment 'D').



Figure 2 - ALR Boundary on Property

Proposal

The applicants are intending to complete an addition to the property. The addition would allow for a large conservatory area that would accommodate a luxury car showroom, garage, storage, entrance and foyer areas. The proposal exceeds the ALR Use Regulation that sets a maximum total floor area of 500m² for a principal residence, and therefore requires approval from the Agricultural Land Commission (ALC). The applicant(s) are requesting to increase the total floor area of a principal residence from 500m² (5,382 sq. ft.) to 1,751.7m² (18,855 sq. ft.) to allow for an addition onto the existing single family dwelling, located at 345 Lower Bench Road.

Technical Planning Committee

The application was discussed at the City’s Technical Planning Committee (TPC). Standard comments were provided to the applicants with no major concerns identified at this time that could impact the development.

Analysis

ALC Legislation

Effective February 22, 2019, the *Agricultural Land Commission Act* (ALCA) was amended and the ALR Use Regulation was created. The following changes were made, which directly impacted the subject property and the proposed development for 345 Lower Bench Road:

1. The total floor area of a principal residence must be 500m² or less in order to comply with the ALCA, though a local government may impose a lower size cap under their bylaws: ALCA, ss. 20.1(1)(b), 46. The Commission has resolved on a definition of ‘total floor area’ for the purpose of the ALCA and ALR Use Regulation, as set out in the “Glossary” section of Information Bulletin No. 5.
2. Alterations to an existing principal residence that were not initiated by February 22, 2019 shall not exceed 500m² total floor area for the principal residence.
3. If a property does not meet these regulations, a Non-Adhering Residential Use application would be required (the subject application).
4. More information can be found within the ALC Information Bulletin No. 05 – Residences in the ALR (https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/information_bulletin_5_residences_in_the_alr.pdf).

OCP Policy

The subject property is designated as ‘Agriculture’ within the Official Community Plan (OCP) Future Land Use Map. The OCP designation of ‘Agriculture’ is described as allowing for ‘growing, producing, harvesting, storage, processing and sale of agricultural produce’.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
 <p>Agriculture</p>	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

The OCP also includes the following policies, which are directly applicable to the proposed development:

1. Agricultural lands – specifically those within the ALR on the Naramata Bench and in the Valleyview area, but also other Agriculture (A) zoned properties – are protected from non-agriculture development and are not intended to accommodate urban growth (Page 3-85).

2. Support, protect and enhance agriculture as a central component of Penticton's economy, character and identity (Page 4-81).
3. Work with the ALC to ensure that agricultural activities remain the primary use on lands within the ALR and encourage active farming use of those lands. Proposed compatible non-farm uses and non-soil-based agriculture should be comprehensively reviewed to ensure there are NO negative impacts on agricultural viability and operations (Page 4-81).

Zoning Bylaw

The subject property is currently zoned 'A – Agriculture'. The applicant is proposing to construct an addition to the existing principal residence on the property. This proposed use is permitted through the zoning on the property (complete list of uses within Attachment 'C').

The purpose of the Agriculture zone is to allow for appropriate development within rural areas and to allow agricultural uses as well as other complementary uses suitable in an agricultural setting, while protecting these uses from intrusion of uses not compatible with farm operations.

The current proposal is to allow for an addition to the existing principal residence. Although the plans provided do not include full details for staff to review (i.e. setbacks, lot coverage, etc.), the use is permitted within the Agriculture Zone and meeting conditions of the Zoning Bylaw are not anticipated. A full plan check would be completed prior to building permits being issued for the proposed building. At this time, the applicants request to allow for the additional construction requires approval from the ALC prior to proceeding with any permitting.

Guidance from Committee on ALR Non-Adhering Residential Use

Staff are seeking guidance from the Agriculture Advisory Committee on the subject application. As the Zoning Bylaw allows for the proposed structure to occur, and there are policies within the OCP to support farming practices on agricultural lands, staff are looking for guidance from the Agriculture Advisory Committee prior to moving forward with the application.

Attachments

Attachment A – ALC Application

Attachment B – Letter of Intent

Attachment C – Zoning Bylaw 'Agriculture' Zone

Attachment D – Site Plan Showing Existing Structures

Attachment E - Proposed Plans

Respectfully submitted,

Nicole Capewell
Planner I

Attachment A – ALC Application

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

PID 012-565-407: 3.8 ha No agriculture

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

No agricultural improvements

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

The only use on this parcel is a residence.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Apple Orchard

East

Land Use Type: Other

Specify Activity: Lower Bench Road

South

Land Use Type: Agricultural/Farm

Specify Activity: Cherry Orchard

West

Land Use Type: Other

Specify Activity: KVR Trail/Okanagan Lake

Proposal

1. What is the purpose of the proposal?

The proposal is to add a solarium conservatory building with an indoor/outdoor pool. The owner and his family want a place to "get away from it all" and enjoy nature any time of year in a private and relaxing atmosphere.

2. What is the total floor area of the proposed principal residence in square metres?

1240.7 m²

3. Describe the rationale for the proposed location of the principal residence.

The location is ideal for the proposed addition because the area for the construction has already been built on. We are just changing the design which will not disturb any of the natural landscape. Also, the construction area has been assessed and will not negatively affect any native habitats or species.

4. Does the proposal for a principal residence more than 500 m² support agriculture in the short or long term? Please explain.

The plan is to keep the property for residential use only. When the owner purchased this property, there wasn't any farming or agricultural activity.

5. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

Main House 3 levels - 823.7 m²

Shop #1 - 188.7 m² (equipment storage)

Shop #2 - 140.8 m² (landscape equipment /plants)

Detached Garage - 266.3 m² (storage-motorhome, tractors)

Attached Garage - 138.7 m²

6. What is the total area of infrastructure necessary to support the proposed residence?

The total area to support the proposed residence is 1485 m².

7. Do you need to import any fill to construct the principal residence and necessary infrastructure?

No

****Note that size indicated above in #2 (1240.7m2) has been amended, as reflected in Staff's report.**

Attachment B – Letter of Intent

Letter of Intent

January 7, 2021

Re: 345 Lower Bench Road

To: Whom It May Concern

We, Blackhawk Contracting & Design Ltd, are submitting this letter on behalf of the property owner with intentions to show that our application should be approved.

The request is to construct an addition to an existing residential structure. Where the proposed addition is located, there is currently a pool and concrete. The upgrades would not negatively impact the agricultural use of the property as it would not disturb any currently unused land. The renovation will allow the space to be more usable all year round as well.

The property owner was unaware at the time of purchase, that the Non-Adhering Residential Use regulation would come into effect and that it would change the plans for his property. The intention is now to make this property more agriculturally sustainable by potentially planting some fruit trees or a vineyard. Our client also owns the adjacent property to the south (331 Lower Bench Road) which is a cherry orchard. The possibility of fruit trees or a vineyard seems to be a fitting solution to adapt to the new ALR regulation.

Thank you for your time and consideration.

Sincerely,

Jamie Seddon

Attachment C – Zoning Bylaw ‘Agriculture’ Zone

Schedule A

Zoning Bylaw No. 2017-08

9.2 A – Agriculture

PURPOSE

The purpose of this **zone** is to provide for appropriate development within rural areas and to allow **agricultural uses** as well as other complementary **uses** suitable in an agricultural setting, while protecting these **uses** from intrusion of **uses** not compatible with **farm** operations.

9.2.1 PERMITTED USES

The **permitted uses** in this **zone** are:

- .1 **agricultural use**
- .2 **agricultural farm help dwelling**
- .3 **bed and breakfast home** (subject to specific use regulation 7.2)
- .4 **indoor animal daycare and grooming**
- .5 **animal kennels and stable**
- .6 **forestry**
- .7 **marijuana production facility**
- .8 **carriage house** (subject to accessory suites regulation 8.2)
- .9 **rural home occupation** (subject to specific use regulation 7.5)
- .10 **secondary suite** (subject to accessory suites regulation 8.1)
- .11 **one single detached dwelling**
- .12 **vacation rental** (subject to specific use regulation 7.6)
- .13 **accessory use, building or structure**

9.2.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width:** 20% of **lot** depth
- .2 Minimum **lot area:** 2.0 ha
- .3 Maximum **lot coverage:**
 - i. residential **buildings** 10%
 - ii. including **agricultural structures** 35%
 - iii. including agricultural greenhouses with closed wastewater and storm water management, and re-circulating irrigation systems 75%
- .4 Maximum **height:**
 - i. **principal building** 12.0 m
 - ii. **accessory building** 13.0 m
 - iii. **agricultural structure** 16.0 m
- .5 **Principal building:**
 - i. minimum **front yard** 9.0 m
 - ii. minimum **side yard**
 - (a) **interior side yard** 4.5 m
 - (b) **exterior side yard** 9.0 m
 - iii. minimum **rear yard** 9.0 m
- .6 **Accessory building**
 - i. Minimum **front yard** 9.0m
 - ii. Minimum **side yard**
 - a. **Interior side yard** 4.5m
 - b. **Exterior side yard** 9.0m

- i. Minimum rear yard 4.5m

9.2.3 MINIMUM SEPARATION DISTANCES

Minimum Distance between *agricultural structures* and *uses* and a natural *watercourse* boundary, domestic water supply or well, on or off site, shall be 15.0 m, unless required otherwise below:

SEPARATION DISTANCES (m)	<i>Urban Area Boundary</i>	Natural <i>Watercourse</i>	<i>Property Line</i>
<i>Intensive impact agriculture</i>	60.0m	30.0m	30.0m
All <i>farm structures</i> using exhaust fans	-	15.0m	15.0m
On- <i>farm</i> composting	30.0m	30.0m	30.0m
Agricultural waste storage	30.0m	30.0m	30.0m
Tree, vine, field and forage crops	7.5m	15.0m	-
Apiculture	15.0m	15.0m	-
Chemical storage structure	15.0m	15.0m	-
Field Storage	-	30.0m	-

9.2.4 MAXIMUM GROSS FLOOR AREAS FOR SPECIFIC USES

- .1 *farm garden stand:* 150 m²
- .2 *farm retail sales* area: 300 m²
- .3 *winery* and *cidery:*
The area devoted to food and beverage service shall not exceed 125 m² indoors and 125 m² outdoors

9.2.5 OTHER REGULATIONS

- .1 Necessary *agricultural farm help dwellings* are limited to one (1) unit on a property of at least 2 ha or more.
- .2 Temporary *dwelling unit:* A second *dwelling unit*, in addition to the existing *single detached dwelling unit*, may be constructed on the same *lot*, subject to the following:
 - i) The parcel must have a minimum area of 0.4ha

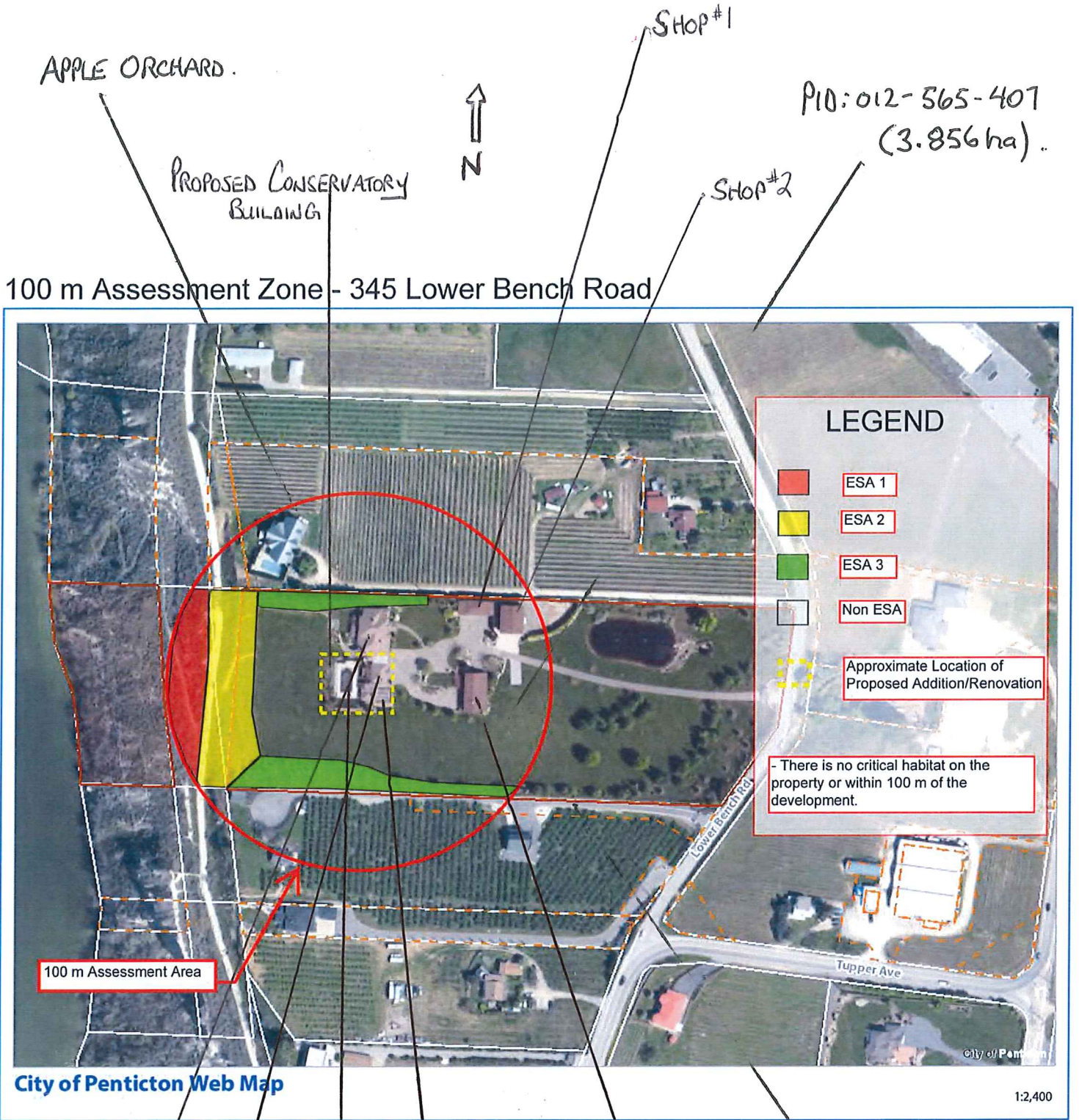
- ii) The **owner** of the **lot** must first grant and register a restrictive covenant to the **City** stating that the original (existing) **single detached dwelling** must be demolished and removed, made uninhabitable or moved from the **lot**.
- .3 **Recreational Vehicle Storage:** Only **recreational vehicles** belonging to the **owner** or occupier of the principal **single detached dwelling unit** on a **lot** may be stored on the same **lot**.
- .4 Where a lot legally exists at the time of adoption of this Zoning Bylaw and is zoned A and is less than 0.4 ha in area, the lot coverage, setbacks and height requirements of the RC zone shall apply in place of A zone.
- .5 Where a parcel is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission which does not increase the number of land registry parcels for the land concerned, the parcel is exempt from the minimum **lot area** requirement.
- .6 Where a **lot** is situated within an Agricultural Land Reserve (ALR) and a subdivision has been approved by the Agricultural Land Commission, creating no more than one (1) additional **lot** in the ALR, both parcels are exempt from the minimum **lot area** requirement.

9.2.6 SITE SPECIFIC PROVISIONS

In addition to the **uses** listed above:

- .1 In the case of **Lot 1**, Plan 29729, DL 190, LD 54, SDYD, known as 4560 Valleyview Road, a **farm** inn, being a self-contained **building** with a maximum of 4 sleeping rooms, intended to provide temporary accommodation to the travelling public, shall be permitted.
- .2 In the case of **Lot 1**, DL 369, Plan 22517 located at 1379 Riddle Road, a vacation cottage, being a self-contained **building** with a maximum size of 82 m² that is intended for short-term **vacation rental** by the travelling public, shall be permitted.
- .3 In the case of **Lot 104A**, DL 199, 205, 672, Plan 307, except Plan B487, Pcl B on Plan A 203, located at 1175 Chapman Road, **tourist accommodation**, being the **use** of a **single detached dwelling** for the accommodation of the travelling public in a maximum of 4 suites, without cooking equipment, where the room rate includes breakfast served on the premises, shall be permitted.
- .4 In the case of a portion of the remainder of DL 196 except plans B6706, M9351, 3980, 6394, 8025, 8529, 9167, 11805, 14079, 14454 and 20784, located at 4650 Lakeside Road as shown as the hatched area in the drawing below, a public **parking lot** shall be permitted and where the parking area is not required to be hard surfaced, lighted nor drained.





MAIN HOUSE

GARAGE

Pool

RAISED GARDEN BEDS

EQUIPMENT FARM BUILDING

SCHILLING CHERRY ORCHARD (FARM).

- SAME OWNER AS PARCEL UNDER APPLICATION.

V2A

VIRTUAL TO ACTUAL
DESIGN

Grant Gettens
CRASTSMAN / DESIGNER
2011 West Bench Drive,
Penticton, BC, V2A 8Z3
250.486.6850
grant@v2adesign.com
v2adesign.com

CLIENT
Frank Schilling
345 Lower Bench Road,
Penticton, BC V2A 8V4

PROJECT
Schilling Residence

DRAWN BY
Grant Gettens

ISSUE
07/02/20

DESCRIPTION
PRELIMINARY CONCEPTS



:: : SITE PLAN

scale: NTS

A0.1

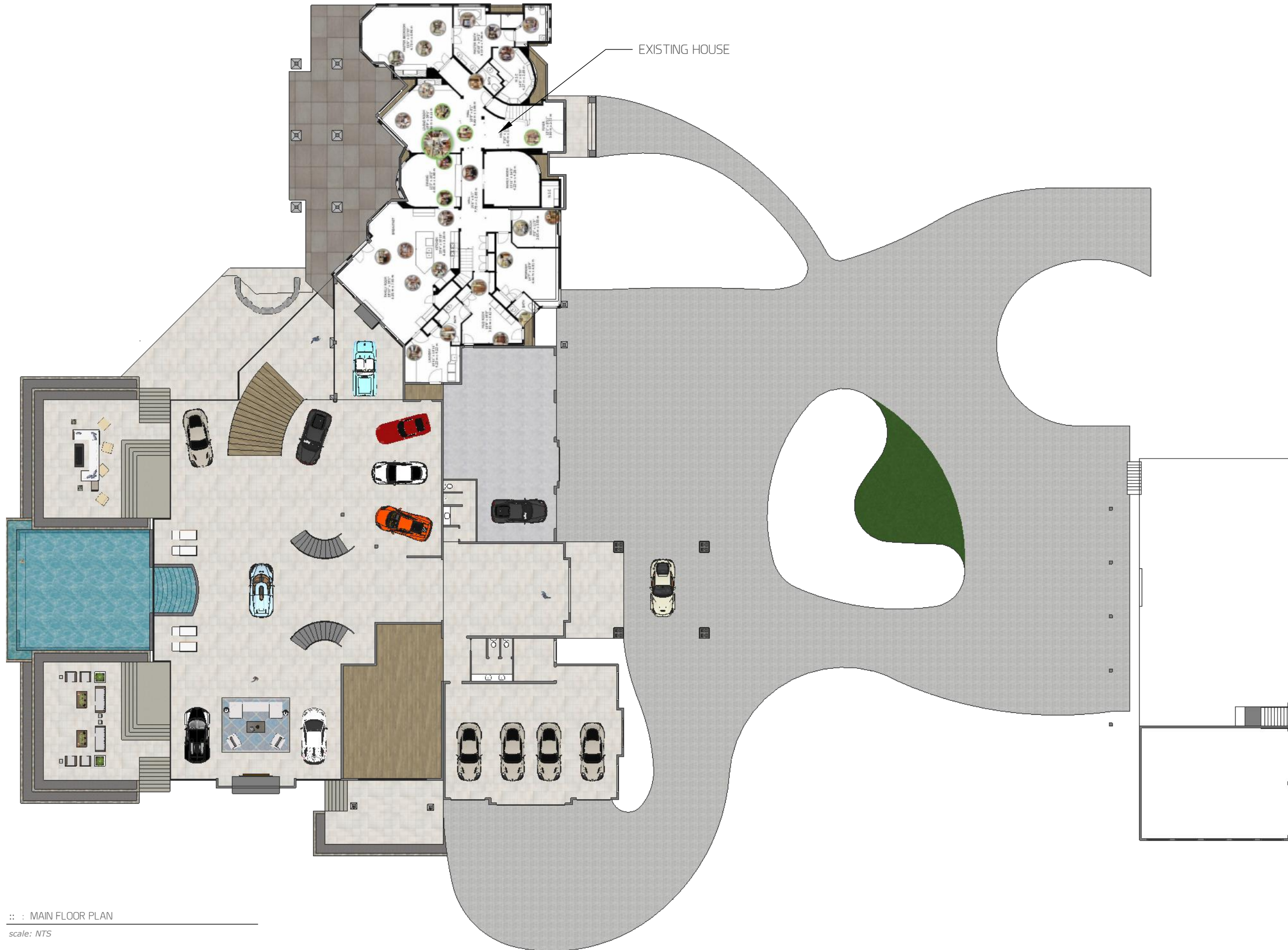
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ISSUE
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DESCRIPTION
PRELIMINARY CONCEPTS



:: : MAIN FLOOR PLAN

scale: NTS

A0.2

Attachment E - Proposed Plans

V2A

VIRTUAL TO ACTUAL
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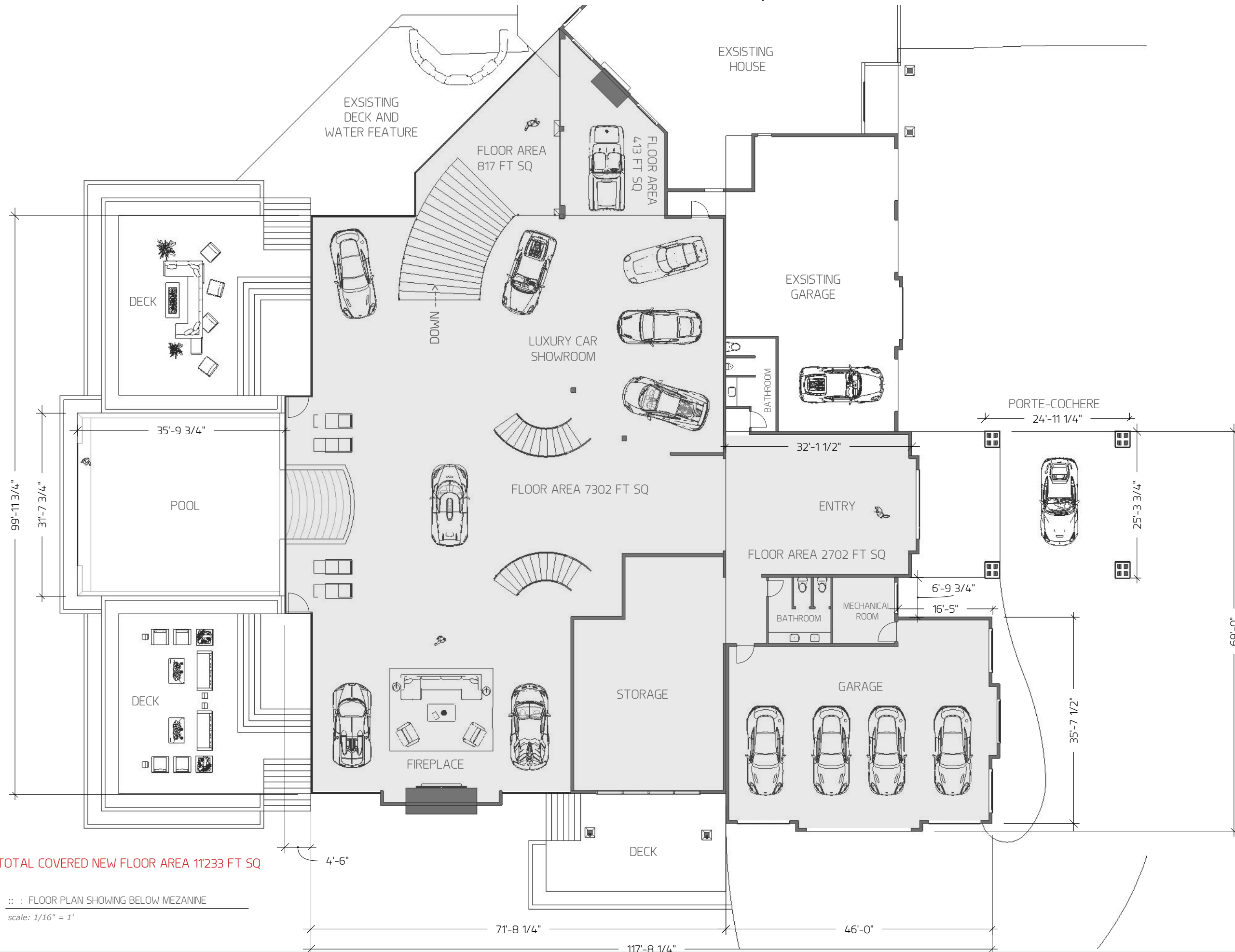
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PROJECT
Schilling Residence

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ISSUE
07/02/20

DESCRIPTION
PRELIMINARY CONCEPTS



TOTAL COVERED NEW FLOOR AREA 11'233 FT SQ

:: : FLOOR PLAN SHOWING BELOW MEZANINE

scale: 1/16" = 1'

A0.3

Attachment E - Proposed Plans

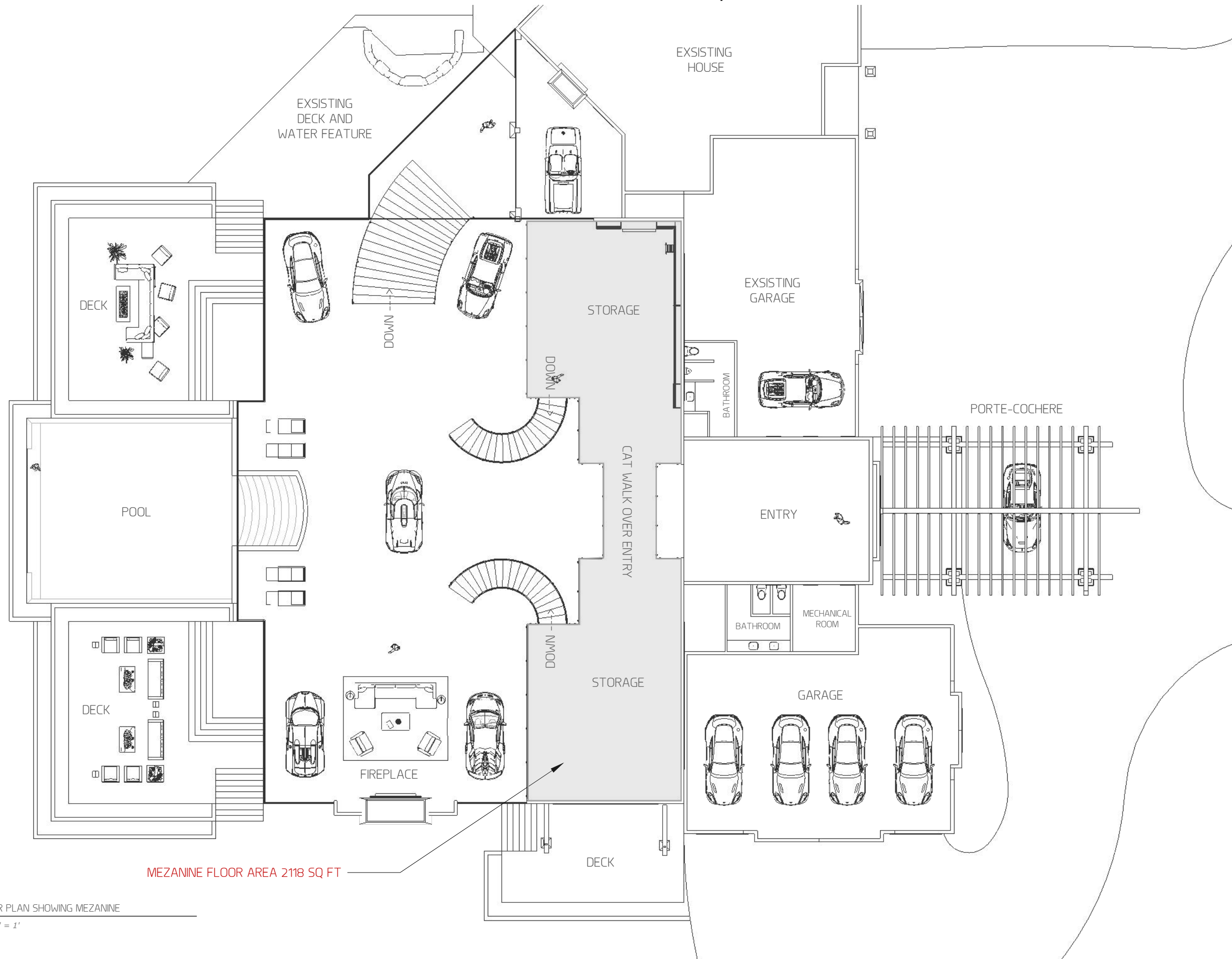
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PROJECT
Schilling Residence

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ISSUE
07/02/20

DESCRIPTION
PRELIMINARY CONCEPTS



MEZANINE FLOOR AREA 2118 SQ FT

:: : FLOOR PLAN SHOWING MEZANINE

scale: 1/16" = 1'

A0.4

Attachment E - Proposed Plans

V2A

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Schilling Residence

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ISSUE
07/02/20

DESCRIPTION
PRELIMINARY CONCEPTS

NEW ROOF HIEGHT TO MATCH EXISTING ROOF HIEGHT



:: : EAST ELEVATION

scale: 1/16" = 1'



:: : SOUTH ELEVATION

scale: 1/16" = 1'

A0.5

Attachment E - Proposed Plans

V2A

VIRTUAL TO ACTUAL
DESIGN

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PROJECT
Schilling Residence

DRAWN BY
Grant Gettens

ISSUE
07/02/20

DESCRIPTION
PRELIMINARY CONCEPTS



:: : WEST ELEVATION

scale: 1/16" = 1'



:: : NORTH ELEVATION

scale: 1/16" = 1'

A0.6

Attachment E - Proposed Plans

V2A

VIRTUAL TO ACTUAL
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PROJECT
Schilling Residence

DRAWN BY
Grant Gettens

ISSUE
07/02/20

DESCRIPTION
PRELIMINARY CONCEPTS



:: : ROOF PLAN SHADED

scale: NTS

A0.8

2021 Agriculture Advisory Committee Meeting Dates

Meeting commences at 3:00 p.m.

Council Chamber, City Hall, 171 Main Street (Second Level) or via Zoom

Month	Date
January	20
February	17
March	17
April	21
May	19
June	16
July	21
August	18
September	22
October	20
November	17
December	8