

Public Hearing

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

To view the live broadcast, visit www.penticton.ca

Tuesday, May 7, 2024
at 6:00 p.m.

- | | | |
|-------|--|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2024-19” | 1-12 |
| CO | Reads Opening Statement and Introduction of Bylaw
“Zoning Amendment Bylaw No. 2024-19” (3810 Valleyview Road) | |
| | Purpose: To amend Zoning Bylaw No. 2023-08 as follows:
Add site-specific provision within the A (Agriculture) zone, as follows: | |
| | <ul style="list-style-type: none"> • “In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, ‘agri-tourism accommodation’ is a permitted use with a maximum of three (3) sleeping units.” | |
| | The applicants are proposing to operate three sleeping units as agri-tourism accommodation on the subject property. | |
| | Notice: Pursuant to the <i>Local Government Act</i> the Public Hearing was advertised on Friday, April 26, 2024 and Friday, May 3, 2024 in an online news source and the newspaper. | |
| CO | One letter has been received regarding the Zoning Amendment Bylaw (as of noon Wednesday, May 1, 2024). | |
| Mayor | Requests Development Services staff describe the proposed bylaw | |
| Mayor | Invitation to applicant for comment or elaboration on the application | |
| Mayor | Invitation to electronic and in person participants to present their views | |
| Mayor | Invites Council members to ask questions | |
| Mayor | Invites applicants to respond to questions | |
| | PUBLIC HEARING for “Zoning Amendment Bylaw No. 2024-19” is terminated and no new information can be received on this matter. | |

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

Tuesday, April 2, 2024
at 1:00 p.m.

Resolutions

- 8.8 Zoning Amendment Bylaw No. 2024-19
Re: 3810 Valleyview Road

109/2024

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2024-19", for Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, a bylaw to add the site-specific provision, within the A (Agriculture) zone, as follows: "Section 9.2.6.14, In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, 'agri-tourism accommodation' is a permitted use with a maximum of three (3) sleeping units.";

AND THAT Council forward "Zoning Amendment Bylaw No. 2024-19" to the May 7, 2024 Public Hearing.

CARRIED UNANIMOUSLY



Council Report

penticton.ca

Date: April 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 3810 Valleyview Road

File No: RMS/3810 Valleyview Rd

Subject: Zoning Amendment Bylaw No. 2024-19

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw No. 2024-19”, for Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, a bylaw to add the site-specific provision, within the A (Agriculture) zone, as follows: “Section 9.2.6.14, In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, ‘agri-tourism accommodation’ is a permitted use with a maximum of three (3) sleeping units.”;

AND THAT Council forward “Zoning Amendment Bylaw No. 2024-19” to the May 7, 2024 Public Hearing.

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The applicants are proposing to operate three sleeping units as agri-tourism accommodation on the subject property. ‘Agri-tourism accommodation’ is a permitted non-farm use in the Agriculture Land Reserve (ALR), however, it is not a permitted use by the City’s Zoning Bylaw. In order to proceed with allowing the three sleeping units, the applicant has requested site-specific zoning on the subject property to allow agri-tourism accommodation with a maximum of three (3) sleeping units.

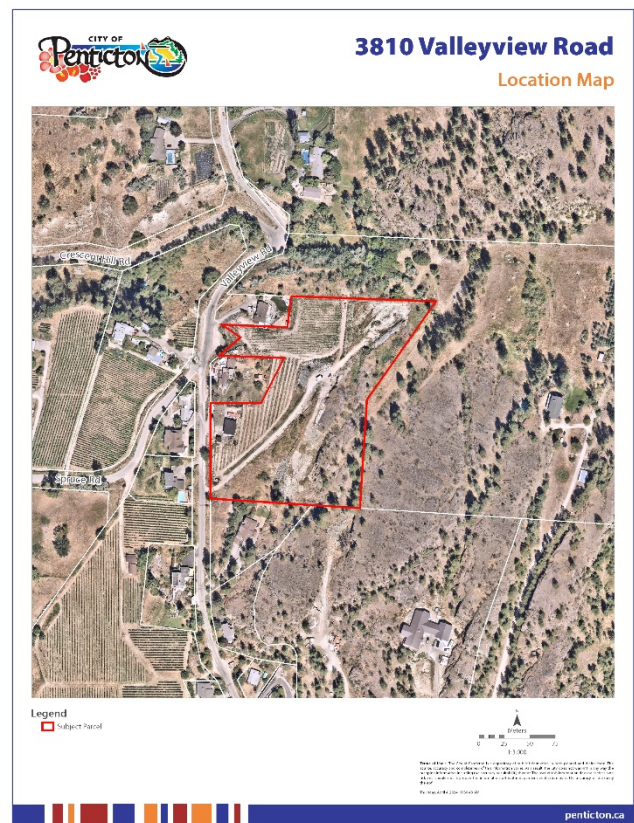


Figure 1 – Property Location Map

Background

The subject property is located at the southern end of the City of Penticton, and on the east side of Valleyview Road (Figure 1). The property is zoned 'A (Agriculture)' by the Zoning Bylaw 2023-08 and is designated 'Agriculture' by the Official Community Plan. The property is approximately 28,652 m² in size, and is completely within the Agricultural Land Reserve (ALR) (Attachment C). The subject property has farm status and portions of the property are currently being used for the growing of grapes.

This application was brought forward as an enforcement file as the three sleeping units were placed on the site without proper permitting or zoning in place. The enforcement actions are currently on hold as the property owners are participating in the zoning and permitting process. Should Council support the zoning change, steps would be taken to ensure the safe occupancy of these units for the intended use. If Council were to not support the zoning change, the enforcement actions would recommence, leading potentially to the removal of the units, or a notice to not occupy the units.

Technical Review

This proposed site specific use was reviewed by the Technical Planning Committee, a group of City staff from various departments who review planning applications. Several items were discussed, including requirements from the Building Department, and Fire Department.

Of particular note is the classification of the units from a BC Building Code perspective. We understand that units to be factory built outside of the country and are not certified locally, like units factory built in Canada. The owner will need to prove that the units meet some local equivalent code or upgrade them to meet local equivalent codes for the intended use.

These items have been communicated to the applicant and will be addressed through the building permit process.

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is 'Agricultural', which supports the growing, producing, harvesting, storage, processing and sale of agricultural produce. The building types in this designation include agricultural buildings and detached houses (Figure 2). The Agricultural Land Commission (ALC) permits up to ten (10) sleeping units in total, including any bedrooms used for tourist accommodation from properties located in the ALR. In this case, the applicant is proposing three (3) sleeping units on the property.

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

Figure 2 – Excerpt from Land Use Designation Table (OCP)

As per Section 33 of the Agricultural Land Reserve (ALR) Use Regulation, the use of agricultural land for providing accommodation in relation to an agri-tourism activity is permitted if all of the following conditions are met:

- a) The accommodation is located on agricultural land that is classified as a farm under the Assessment Act;
- b) The total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel;
- c) The accommodation is limited to 10 sleeping units in total, including bedrooms (tourist accommodation);
- d) Accommodation is provided on a seasonal or short-term basis only

The proposal meets all of the conditions above as set in the Agricultural Land Reserve Use Regulation. The subject property is classified as a “farm” under the Assessment Act, the total developed area is less than 5% of the parcel, the proposal is for 3 units, where the maximum is 10, and the applicant has indicated that the accommodation is only going to be provided on a seasonal and short term basis only. Additionally, the neighbouring property to the north of the subject property, 3550 Valleyview Road, has similar site-specific zoning to allow ‘agri-tourism accommodation’ which was approved by Council in January 2019.

The Agricultural Land Reserve bulletin pertaining to tourist accommodations within the ALR lists several examples of acceptable agri-tourism accommodation types, such as: a bedroom in a cabin, a holiday trailer, tent, campsite or other accommodation type provided it is seasonal and short term. As stated in the Technical Review section above, the units that were placed on the property on the subject property are not easily defined as they are factory built modular units from out of the country. Occupancy of the units will likely have strict conditions attached to ensure the temporary nature of the units.

Given that there is adequate policy through the OCP to support the proposed use and it is supported by the Agricultural Land Reserve Use Regulation, staff recommend that Council give first reading to “Zoning Amendment Bylaw No. 2024-19”, and forward the bylaw to the May 7, 2024 Public Hearing to gather comments and feedback from the public.

Alternate Recommendations

Council may consider that the proposed rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2024-19".

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – ALR Map
- Attachment D – Letter of Intent
- Attachment E – Zoning Amendment Bylaw No. 2024-19

Respectfully submitted,

Jordan Hallam
Planner II

Concurrence

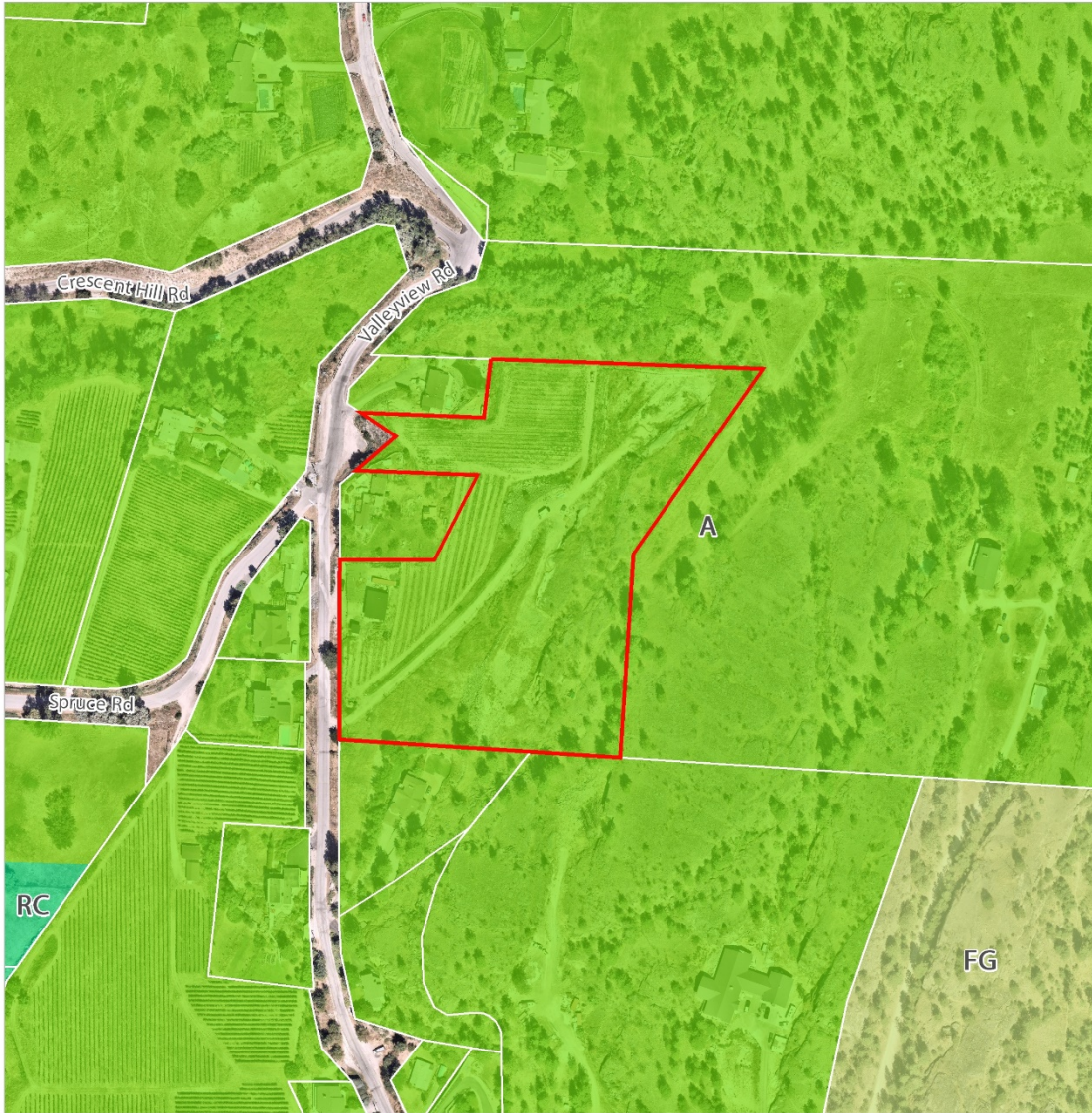
Director of Development Services <i>BL</i>	City Manager <i>JBH</i>
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Attachment A – Zoning Map



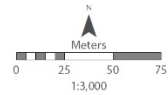
3810 Valleyview Road

Zoning Map



Legend

- Subject Parcel
- FG - Forestry and Grazing
- RC - Country Residential Housing
- A - Agriculture



Terms of Use: The City of Penticton is a repository of public information in both printed and digital form. The accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information included in the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.

Thursday, April 4, 2024 11:31:49 AM

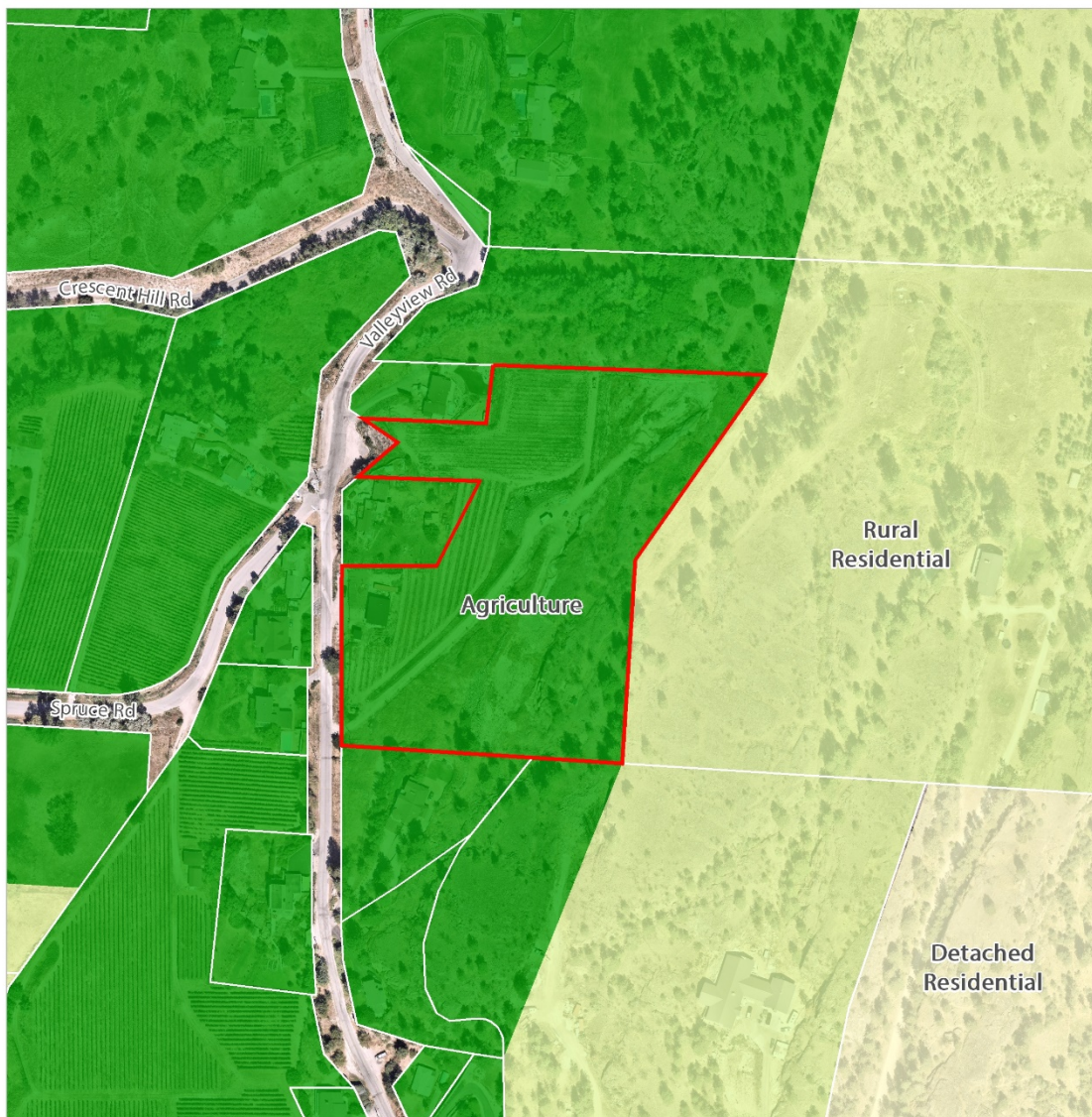
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Attachment B – Official Community Plan Map



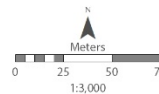
3810 Valleyview Road

OCP Map



Legend

- Subject Parcel
- Detached Residential
- Rural Residential
- Agriculture

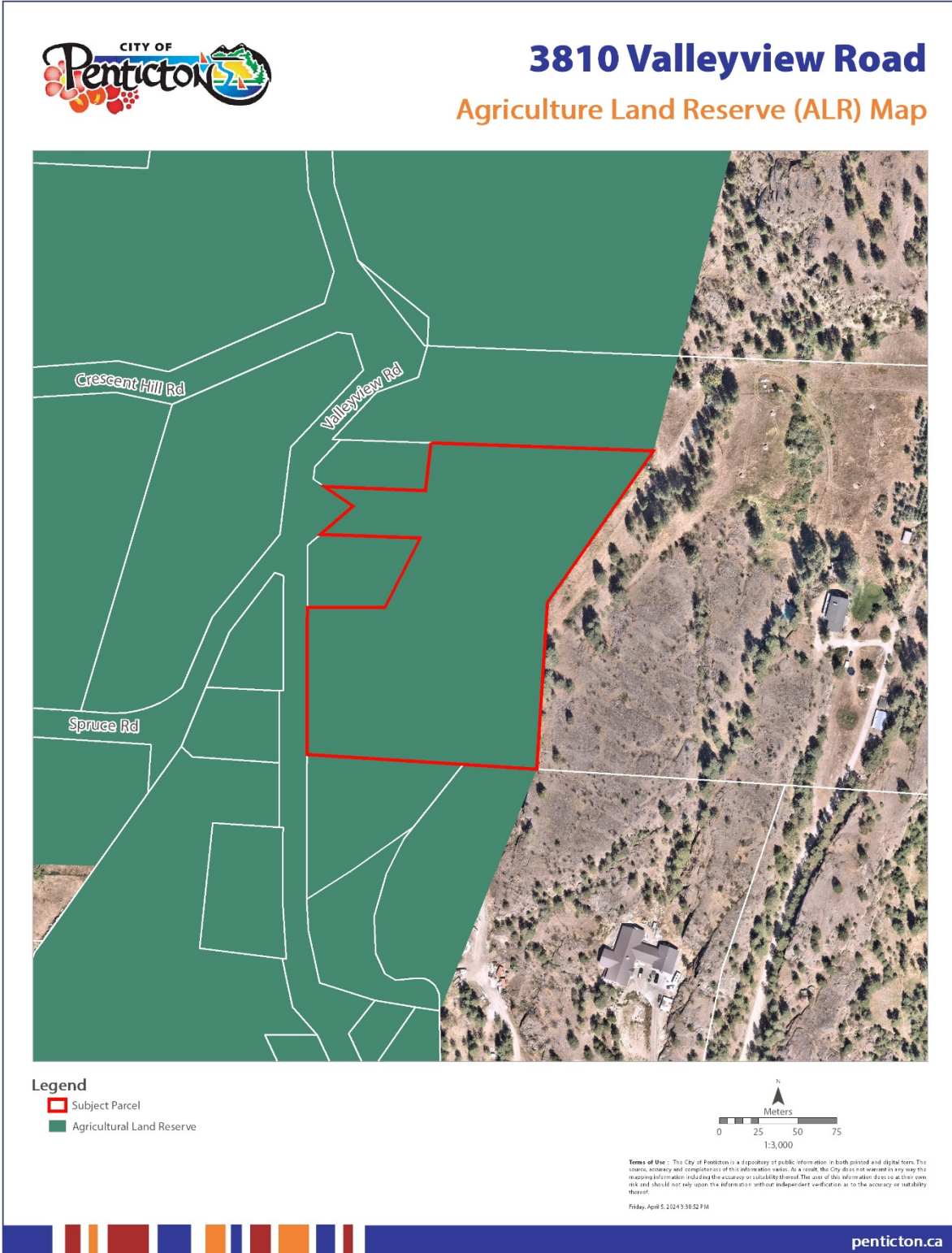


Terms of Use: The City of Penticton is a repository of public information in both printed and digital form. This means accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information included in the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.

Thursday, April 4, 2024 11:31:12 AM

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Attachment C – ALR Map



Attachment D – Letter of Intent

Application for rezoning at 3810 valley view rd Penticton.
to Allow 3 Agra stays for travelling tourist accommodations, each unit consisting of a sleeping unit of 28 m2.

3810 valley view was a property that had not been farmed in 60 years primarily due to the bedrock & grade located on this 2.83-hectare ALR parcel. 4.5 acres is 60-degree slope of bedrock and granite boulders. James Parker and krista berrigan endeavored to regrade this land at great expense to be able to accommodate and plant 2 acers of grapes on the only usable (soil) portion of this parcel. The remainder, a .35 of an acer has a temporary house that will be converted to a tasking room in the future.

James and Krista planted 2 acers of pinot noir in 2021 and were granted their farm status, expecting some return from the overwhelming startup cost of this land. in the summer of 2023 james realized that the 2 acres of grapes sold at market would not provide an enough ROI to recoup their farming losses.

The previous owner, Mr LeComte, had already been issued a building permit by the city of Penticton to construct and build a home on a site that he had geo engineered with (rock glen) located at the southeast corner of the property. This area was filled with blast rock. Mr LeComte had already installed water and power and was ready to start building when he decided to sell the land to james Parker and krista Berrigan.

James and Krista searched for a solution to reduce the losses by introducing 3 Agra Stays to the unusable portion of the land while adhering to the requirements of ALC as the neighbor at 3550 had mentioned that he had an Agra stays and we did not realize that the City of Penticton had a zoning bylaw prohibiting this.

James Parker owner at 3810 Valley view is also the Founder and president of an international Alcohol label manufacturer located in Penticton know as Okanagan Label and Print Ltd. OKLP, with its 30 full time highly trained & paid staff support about 90 % of the BC wine and spirits industry while exporting an additional. 3.5 million to the USA, Dominican Republic, Panama and most recently the new wine region located in Mexico.

Okanagan label over the years has imported several foreign working professionals that required accommodations for a period to get them integrated into the community and assist in finding them long term accommodations. These Agra stays would also double as staff accommodations required for future growth of OKLP.

These Agra stay would support Agra tourism in Penticton on a active working farm showing the heritage water flume located at the build site in the south east corner of the property, also doubling as accommodations for customers doing plant inspections and press checks for wine and spirits industry spirits from Washington, Oregon, Dominican republic, Panama, Mexico.

The Corporation of the City of Penticton

Bylaw No. 2024-19

A Bylaw to Amend Zoning Bylaw 2023-08

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 No. 2023-08;

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. 2024-19".

2. **Amendment:**

2.1 Zoning Bylaw No. 2023-08 is hereby amended as follows:

Add Section 9.2.6.14: "In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, 'agri-tourism accommodation' is a permitted use with a maximum of three (3) sleeping units."

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

READ A FIRST time this	16	day of	April, 2024
A PUBLIC HEARING was held this	7	day of	May, 2024
READ A SECOND time this		day of	, 2024
READ A THIRD time this		day of	, 2024
ADOPTED this		day of	, 2024

Notice of intention to proceed with this bylaw was published on the 26th day of April, 2024 and the 3rd day of May, 2024 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



**City of Penticton – Schedule ‘A’
Zoning Amendment Bylaw No. 2024-19**

Date: _____

Corporate Officer: _____

To Whom it may concern,

I am writing this letter in support of the business venture of James Parker and Krista Berrigan, who live at 3810 Valleyview Road, Penticton BC V2A 8V8.

We are residents on Valleyview Road and see this as not only an excellent asset to the neighbourhood, but also as an avenue for sharing some educational history and the beautiful City of Penticton with its visitors.

Introducing the Agri-stays diversifies and utilizes this working property while allowing for accommodations to the visiting public. We have enjoyed learning and watching as the grapes grow and the property unfolds more and more each season as a Vinyard.

James and Krista, the property owners, have done and continue to do an extensive amount of work beautifying and improving this parcel of land. The difference between when they began developing it and today is remarkable, not to mention that they have created connections & conversation in the neighbourhood throughout this process.

We look forward to meeting visitors enjoying their Agri-stay in the future, knowing that they have a beautiful view, are being educated about the area, the wine industry, farming and much, much more. This is an excellent opportunity to spotlight the City of Penticton as a great destination in British Columbia.

Sincerely,

Meg Kennedy-Gunn
Shane Gunn

3855 Valleyview Road
Penticton, BC
V2A 8V8

LATE SUBMISSION - Public Hearing
Zoning Amendment Bylaw No. 2024-19
re 3810 Valleyview Road

May 2, 2024

Dear City Council Members and City Staff,

Subject: Proposed Zoning Bylaw Amendment – 3810 Valleyview Rd.

We, the undersigned, are residents of Valleyview Road. We have the following concerns regarding the proposed zoning bylaw amendment relating to 3810 Valleyview Road:


Agritourism Viability and Activities: The proposed agritourism activities in the ALR meet neither the requirements, nor the spirit, of ALC policy. For example, the agritourism accommodation activity must be secondary to the agricultural production activities. However, as the farm has yet to generate any significant income, the proposed rentals would appear to become the main financial support. Additionally, true agritourism should involve farm-related activities, such as corn mazes and hay rides, but the proposal lacks concrete plans to implement any such activities, questioning its validity as a genuine agritourism endeavor. The “tasting room” is currently being used as their residence. The Parker’s Letter of Intent to the City states that they intend to use these agri-stays as accommodation for their Label and Print Company business associates. This would not qualify as a “tourist accommodation” nor an agri-stay to support a farm tour. The ALR is **not** intended to be the venue for hotels. Applications to the ALC are not required provided that 5 conditions are met and we question if this proposal would meet the ALC approval.

1. **Unauthorized Earthworks:** It appears that significant alterations to the land, including blasting and leveling, were made without proper authorization from the relevant authorities. Approving rezoning now might inadvertently legitimize these past actions without proper oversight.
2. **Impacts on Local Infrastructure and Future Projects:** Valleyview Rd is a narrow, non-standard roadway and the existing infrastructure, especially water services (several homes are required to pump the water as the flow is insufficient to reach their houses) is insufficient to support additional loads without significant upgrades. Approving this bylaw amendment could set a precedent for similar future developments, potentially leading to increased requests along the road, further straining our resources.
3. **Site Access:** When the applicant brought the units onto the site, the very large delivery truck could not navigate the turn onto the property directly so needed to use other people's driveway which were damaged in the process. If the applicant needs to remove the units, we request that they reconfigure their access to accommodate whatever trucks or equipment are needed, so as to not impact others. We request that the City's fire chief confirm that direct access via the existing driveway can be navigated by whatever equipment would be needed to respond to a fire in the location of the proposed units. The existing driveway access to the recently constructed tasting room (currently being

used as a residence) is unpaved and has a very steep grade change that occurs right at the edge of Valleyview Rd. As such, the gravel routinely sloughs and builds-up onto the road. Valleyview is simply too narrow to accommodate this situation. Regardless of the outcome of the current vote relating to the proposed tourist-accommodating units, we request that the applicant be made to 1) re-grade this access point to conform with sections 12.3 and 12.4 of the Subdivision and Development Bylaw, 2) that the driveway be paved, and 3) that a designated turn-around be created to accommodate egress from the site without needing to back up into traffic. (Note: The steepness of the existing driveway was created by the applicant's decision to build the tasting room at the elevation they did.)

We ask that council reject this application both on the grounds of lack of policy adherence to the ALC and City guidelines as well as to be consistent with past and future decision making. Thank you for your attention to these matters, and we look forward to your thoughtful deliberation.

Respectfully,



Bruce & Pearl Morgenstern
3954 Valleyview Road

On behalf of Valleyview Road residents:

Chris & Laura Harp

Bree Harris

Robin & Jillian Masson

Jonathan & Kristine Paxon

Mark & Crystal Sawatzky

LATE SUBMISSION - Public Hearing
Zoning Amendment Bylaw No. 2024-19
re 3810 Valleyview Road

From: [Sue Barclay](#)
To: [Public Hearings](#)
Subject: 3810 Valleyview Road
Date: Monday, May 6, 2024 11:44:24 PM

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

I am opposing the zoning amendment. Agri tourism has very specific rules and this application does not follow any of the guidelines.

1. It is not a farm. Per guidelines:

Agritourism is a form of commercial enterprise that links agricultural production and/or processing with tourism to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining or educating the visitors while generating income for the farm, ranch, or business owner.

2. Read the BC guide from January 2017. This does not apply in any way.

3. Is this a way around the short term rental laws?

4. Why??? What are these sleeping units for? Education? Amendment doesn't say.

Sue Barclay

LATE SUBMISSION - Public Hearing
Zoning Amendment Bylaw No. 2024-19
re 3810 Valleyview Road

From: [Tina Weeks](#)
To: [Public Hearings](#)
Subject: Attention Corporate Officer 3810 Valleyview Rd
Date: Tuesday, May 7, 2024 7:19:43 AM

Caution! This message was sent from outside your organization.

Attention Corporate Officer,

I am writing in regards to the public hearing today about 3810 Valleyview Rd.

I am against changing any zoning to ALR land in Penticton. This land is not slated for development and should be kept that way. This could set a horrible precedent for other ALR lands. This is farmland, whether physically farmed or not.

Thank you for your time

Tina Weeks