

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: February 15, 2022
RE: Zoning Bylaw Amendment – Electoral Area “A”

Purpose: To allow for the construction of 10 agri-tourism accommodation units. Folio: A-05979.010
Civic: 14805 89th St Legal: Lot 1, District Lot 2450S, SDYD, Plan KAP59513
OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for the construction of ten (10) agri-tourism accommodation sleeping units.

According to the applicant, “the proposed total area of development including structures landscaping and access would be less than 0.24 ha”.

In order to accomplish this, the applicant is proposing to amend the zoning of the property under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s), with the site specific regulation to allow for five (5) more units than is currently allowed for a property between 4.0 to 8.0 ha in size under Section 7.16 of the Zoning Bylaw.

In support of the rezoning, the applicant has stated that:

With two wineries and multiple vineyard operations, the owners offer winery tours and farm operation tours to guests attending the wineries and the owners would like to offer an enhanced agri-tourism experience by providing agri-tourist accommodation ...

As the owner of subject property also owns the adjacent La Stella property [8123 148th Ave; PID 011-192-267], the owner could construct a 5-unit agri-tourism accommodation building on each of the properties to provide the desired 10 units. To ensure that the provision of one 10-unit agri-tourism accommodation on the subject property would not result in an increase in the number of the agri-tourism accommodation units in the neighbourhood, the owner is prepared to have a restrictive covenant placed on the title of the La Stella property that would prohibit the construction any agri-tourist accommodation units on the La Stella property. This would ensure that the maximum number of agri-tourism accommodation units in the area would not exceed the current zoning bylaw allowance.

Site Context:

The subject property is approximately 4.97 ha in area and is situated on the north side of 89th St and 148th Ave. It is understood that the parcel is comprised of a vineyard.

According to the applicant, there are approximately 20 acres of vineyard between the subject property and the La Stella Winery property to the south.

The surrounding pattern of development is generally characterised by agricultural development, though a residential subdivision exists to the northeast of the subject property. All surrounding properties, with the exception of the property at 13821 148th Ave to the southeast, are within the Agricultural Land Reserve (ALR).

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 8th, 1997 while available Regional District records indicate that a building permit for the demolition of a house (2010) has been issued for this property.

Under the Electoral Area “A” Official Community Plan (OCP) Bylaw No. 2905, 2021, the subject property is currently designated Agriculture (AG); an objective of which is to protect the agricultural land base, with a supporting policy being to support agri-tourism.

Under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, the property is currently zoned Agriculture One (AG1) which allows for “agri-tourism accommodation, subject to Section 7.16”.

Section 7.16 of the Zoning Bylaw permits a maximum of five (5) agri-tourism accommodation sleeping units for parcels which are between 4.0 to 8.0 ha in size.

The property is within the Agricultural Land Reserve (ALR) and has been classified as “Farm” (Class 09) by BC Assessment.

Section 33(2) of the *ALR Use Regulation* states that up to 10 sleeping units as seasonal or short-term accommodation in relation to an agri-tourism activity is permitted subject to the accommodation being located on land classified as “farm” and the total developed area for structures, landscaping and access for the accommodation being less than 5% the parcel.

In this instance, the developed area of the subject property, including the proposed 10 sleeping units, will be 4.8%. As such, the approval of the Agricultural Land Commission (ALC) is not seen to be required.

As the property is within 800.0 metres of a controlled access highway (i.e. Highway 97), the proposed amendment bylaw will require approval from the Ministry of Transportation and Infrastructure.

Analysis:

One of the objectives for land designated as Agricultural (AG) under the OCP Bylaw is to “protect the agricultural land base of the Plan Area including associated farming, orchards, vineyards, ranching, and associated value-added activities”.

In considering this application, Administration notes that there must be a balance between preserving agricultural land for current and future production with the use of agricultural land for compatible secondary, value-added activities which are meant to provide supplementary income to farmers and diversify the local agricultural and rural economy.

Administration notes that, under the Electoral Area “A” Zoning Bylaw, the property owners would be able to construct five (5) agri-tourism accommodation sleeping units on the subject property as well as another five (5) units on the La Stella Winery property to the south.

While feasible from a regulatory standpoint, the construction of two separate agri-tourism accommodation buildings on two properties with separate infrastructure, landscaping, and access

requirements would likely result in more agricultural land being removed for a secondary, value-added activity than establishing the proposed accommodation building on one parcel.

Further, it appears that the alternate proposal would require the removal of vines to facilitate the construction of one of the five-unit accommodation buildings on the La Stella Winery property whereas the preferred option would result in the siting of one accommodation building in a previously disturbed portion of the subject property.

As part of the application, the applicant has indicated that if the application is approved, the property owners are amenable to the registration of a restrictive covenant on the title of the La Stella Winery property to prohibit the construction of any agri-tourism accommodation units on that property.

Administration notes that the restrictive covenant may mitigate concerns of the loss of agricultural land.

Conversely, Administration generally does not support the creation of ad hoc and spot zonings where they are divorced from broader strategic land use objectives. In this regard, spot zonings grant privileges to a single parcel, which are not granted or extended to other parcels in the vicinity.

In summary, as the proposal would facilitate the consolidation of agri-tourism accommodation units on the subject parcel and restrict the construction of accommodation on the La Stella Winery parcel, Administration is generally supportive of the proposed rezoning.


Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:


Shannon Duong, Planner I

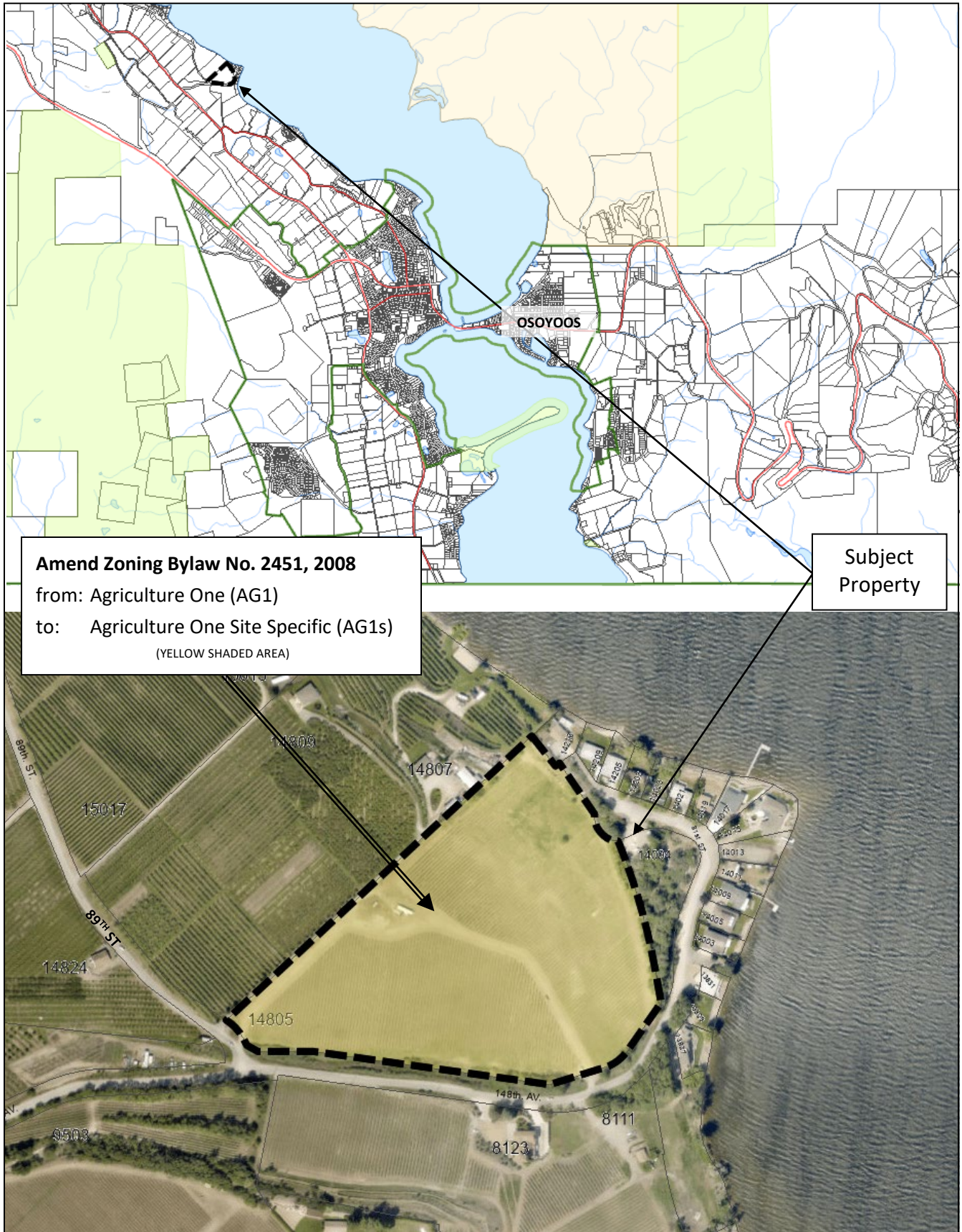
Endorsed By:


C. Garrish, Planning Manager

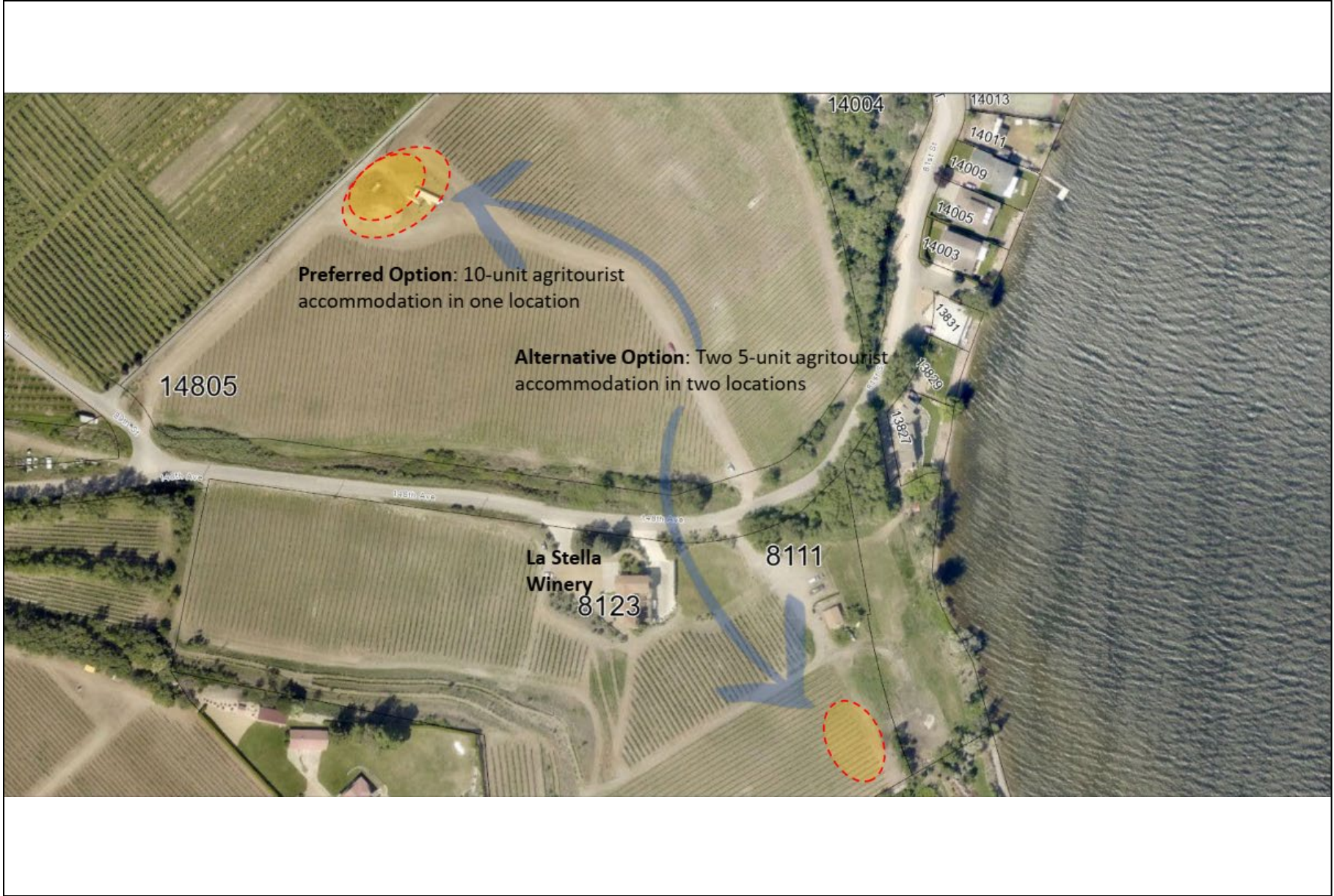
Attachments:

- No. 1 – Context Maps
- No. 2 – Applicant’s Preferred & Alternate Siting Options
- No. 3 – Site Photo (Google Streetview)
- No. 4 – Site Photo (Google Streetview)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Preferred & Alternate Siting Options



Attachment No. 3 – Site Photo (Google Streetview)



Looking Northeast on 89th Street

Attachment No. 4 – Site Photo (Google Streetview)



Looking Northwest on 148th Avenue