

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 5, 2022  
**RE:** Zoning Bylaw Amendment – Electoral Area “A” (A2021.020-ZONE)

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### Administrative Recommendation:

**THAT** Bylaw No. 2800.07, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw be read a first and second time and proceed to public hearing; and

**THAT** prior to scheduling of a public hearing, a statutory covenant be prepared for the property located at 8111/8123 148th Ave/13803 Highway 97, and legally described as Lot 459, Plan KAP5895B, District Lot 2450S, SDYD, Portion PL 1949, Except Plan H126, prohibiting the construction of any agri-tourism accommodation sleeping units on that property; and

**THAT** the holding of the public hearing be delegated to Director Pendergraft; and

**THAT** staff schedule the date, time, and place of the public hearing in consultation with Director Pendergraft; and

**THAT** staff give notice of the public hearing in accordance with the requirements of the Local Government Act.

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Purpose: To allow for the construction of 10 agri-tourism accommodation units. Folio: A-05979.010

Civic: 14805 89<sup>th</sup> Street Legal: Lot 1, District Lot 2450S, SDYD, Plan KAP59513

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

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### 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 Okanagan Valley Zoning Bylaw No. 2800, 2022, 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 7.3.3 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.*

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**Site Context:**

The subject property is approximately 4.97 ha in area and is situated on the north side of 89<sup>th</sup> Street and 148<sup>th</sup> Avenue. It is understood that the parcel is comprised of a vineyard.

According to the applicant, there are approximately 8.1 ha (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 148<sup>th</sup> Avenue 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 8, 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 Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which allows for “agri-tourism accommodation, subject to Section 7.3”.

Section 7.3 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.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

On December 8, 2021, the Ministry of Transportation and Infrastructure indicated that Preliminary Approval has been granted for the rezoning for one year.

**Public Process:**

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On February 15, 2022, a Public Information Meeting (PIM) was held electronically on Webex and was attended by approximately 14 members of the public.

At its meeting of February 15, 2022 the Electoral Area “A” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

**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”.

The Plan seeks 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.

Under the Okanagan Valley 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.

The restrictive covenant may mitigate concerns of the loss of agricultural land. Conversely, the creation of ad hoc and spot zonings where they are divorced from broader strategic land use objectives is not preferred. In this regard, spot zonings grant privileges to a single parcel, which are not granted or extended to other parcels in the vicinity.

**Alternatives:**

1. THAT Okanagan Valley Zoning Amendment Bylaw No. 2800.07, 2022, be denied.

**Respectfully submitted:**

  
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Shannon Duong, Planner I

**Endorsed By:**

  
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C. Garrish, Planning Manager

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Attachments: No. 1 – Applicant’s Option Comparison Overview

No. 2 – Applicant’s Option Comparison – Preferred Option (Combined)

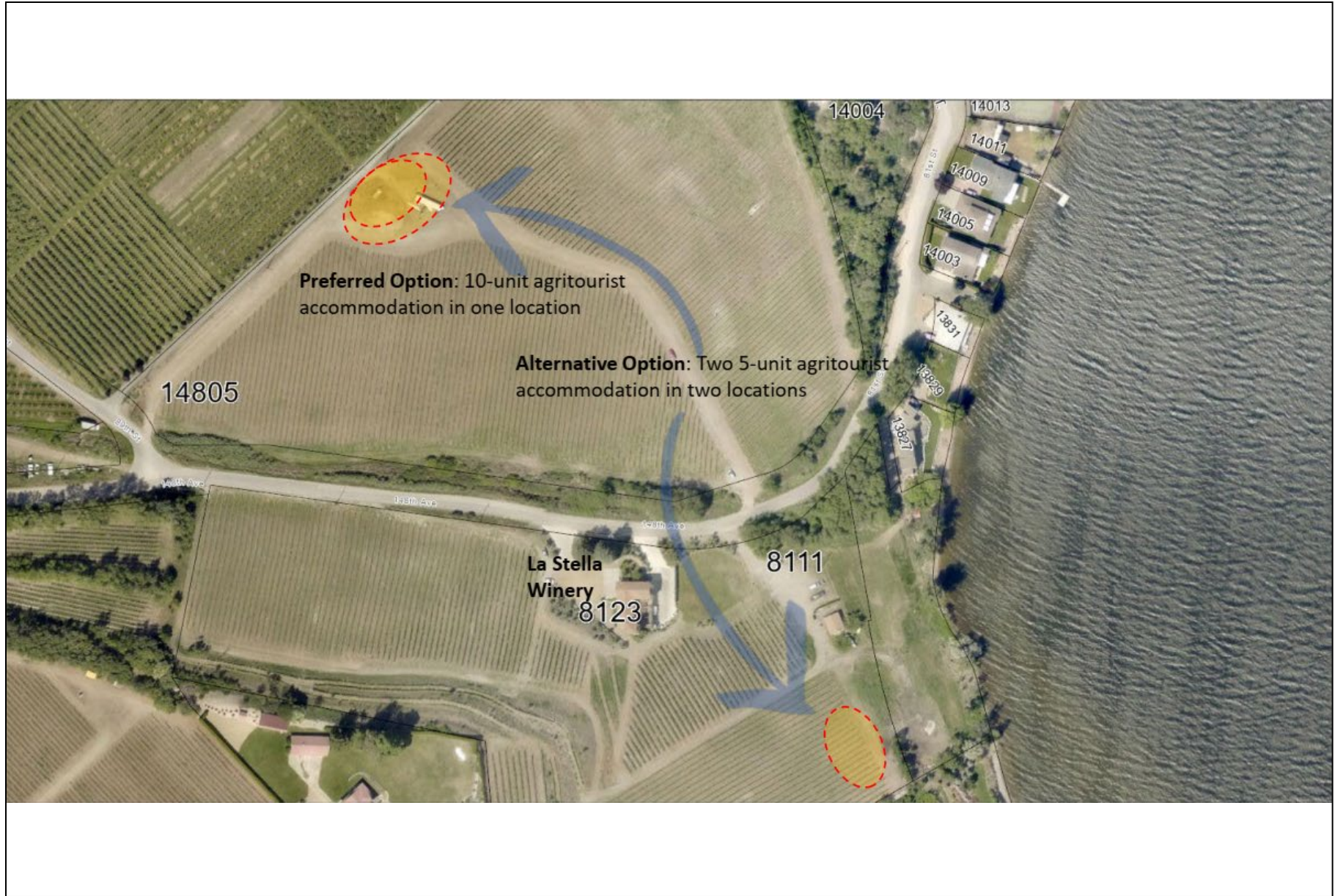
No. 3 – Applicant’s Option Comparison – Alternative Option (Separated)

No. 4 – Applicant’s Design Intent

No. 5 – Site Photo – Looking Northeast on 89<sup>th</sup> St (Google Streetview – 2012)

No. 6 – Site Photo – Looking Northwest on 148<sup>th</sup> Ave (Google Streetview – 2012)

Attachment No. 1 – Applicant’s Option Comparison Overview





Attachment No. 2 – Applicant’s Option Comparison – Preferred Option (Combined)





Attachment No. 3 – Applicant’s Option Comparison – Alternative Option (Separated)





Attachment No. 4 – Applicant’s Design Intent





Attachment No. 5 – Site Photo – Looking Northeast on 89<sup>th</sup> St (Google Streetview – 2012)



Attachment No. 6 – Site Photo – Looking Northwest on 148<sup>th</sup> Ave (Google Streetview – 2012)

