

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 22, 2022
RE: Zoning Bylaw Amendment – Electoral Area “A” (A2021.020-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2800.07, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw be read a third time; and,

THAT prior to the adoption of Bylaw No. 2800.07, 2022, that a statutory covenant be registered on the title of 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.

Purpose: To allow for the construction of 10 agri-tourism accommodation units. Folio: A-05979.010
Civic: 14805 89th Street 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 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.

Site Context:

The subject property is approximately 4.97 ha in area and is situated on the north side of 89th Street and 148th 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 148th Avenue to the southeast, are within the Agricultural Land Reserve (ALR).

Background:

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.

At its meeting of May 5, 2022 the Regional District Board resolved to approve first and second reading of the amendment bylaw and delegated the holding of a public hearing to Director Pendergraft, or their delegate.

The public hearing for this amendment bylaw is scheduled to occur prior to the Board’s meeting of September 22, 2022.

At that same meeting, the Board required that, prior to the scheduling of a public hearing, a statutory covenant be prepared for the property located at 8111/8123 148th Ave / 13803 Highway 97 (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.

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

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.

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 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.

Administration is generally concerned about the development of agricultural land for non-agricultural uses and uses ancillary to agricultural production and previously recommended that a restrictive covenant be registered on the title of the La Stella Winery property to prohibit the construction of any agri-tourism accommodation units on that property.

A draft statutory covenant was prepared by the applicant and reviewed by Administration as of August 19, 2022.

Should the Board choose to give 3rd reading to the proposed amendment bylaw, the applicant should be required to register the statutory covenant on the title of the La Stella Winery property.

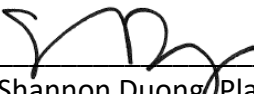
Conversely, Administration generally does not support the creation of ad hoc and spot zonings where they are divorced from broader strategic land use objectives. In this regard, spot zonings grant privileges to a single parcel, which are not granted or extended to other parcels in the vicinity.

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.

Alternatives:

1. THAT first and second readings of Bylaw No. 2800.07, 2022, Okanagan Valley Zoning Amendment Bylaw be rescinded and the bylaws abandoned.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



C. Garrish, Planning Manager

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

No. 2 – Applicant’s Design Intent

No. 3 – Site Photos (Google Streetview – 2012)

Attachment No. 1 – Applicant’s Option Comparison Overview



Attachment No. 2 – Applicant’s Design Intent



Attachment No. 3 – Site Photos (Google Streetview – 2012)

