

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: January 14, 2025
Meeting Type: Regular Council Meeting

Prepared by: Jason Tran, Planner
Department: Planning and Development

Title: Agricultural Land Reserve and Zoning Amendment | ALR00192 & Z0000333 | 12820 Trewitt Road
Description: To permit Agri-Tourism Accommodation for a seasonal campsite on a property in the Agricultural Land Reserve.

RECOMMENDATIONS

THAT Agricultural Land Reserve ALR00192 application for Non-Farm Use on the property at 12820 Trewitt Road, (Roll 02907.000; PID 011-888-261) be supported;
AND THAT ALR00192 application for Non-Farm Use be forwarded to the Agricultural Land Commission;
AND THAT Zoning Amendment (Z0000333) Bylaw 1264, 2025 be read a first time.

EXECUTIVE SUMMARY

The subject property is zoned A1—Agriculture and is located within the Agricultural Land Reserve (ALR). The applicant proposes to develop seven seasonal campsites (Attachment A – Location and Site Plan) as tourist accommodations.

The Agricultural Land Commission (ALC) has classified this application as a Non-Farm Use under the Agri-Tourism Activities in the Agricultural Land Reserve (ALR) Policy L-04 (Attachment B). The ALC requires the applicant to make an ALR application to evaluate the proposed use (Attachment F – Application Submission).

While the proposal would align with the District's Official Community Plan (OCP), it would require an amendment to the Zoning Bylaw from A1 - Agriculture 1 to A1TA – Agriculture 1 (Agri-Tourism Accommodation). The applicant has submitted two applications: an ALR application (ALR00192) and a zoning amendment application (Z0000333).

Staff support the proposals as the proposed use of the property would provide an alternate income stream for the owner of the agricultural property.

BACKGROUND

The subject property is operated as an active orchard. Photos of the property are included as Attachment C.

Property Information			
Application Type:	ALR (ALR00192) Zoning Amendment (Z0000333)	Application Date: Sept 13, 2024	
Folio/Roll #:	02907.000		
PID & Legal Description	011-888-261; LOT 31 SECTIONS 25 AND 26 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 1001		
Civic Address:	12820 Trewitt Road		
Applicant:	COONEY, NATHAN	Owner:	Patrick Francis Gallacher

OCP Designation:	Agricultural
Zoning Designation:	A1 – Agriculture 1
Land Use Contract	NA
ALR:	Yes
Parcel Size:	4.35 ha/10.75 ac
Development Permit Areas:	None
Water Supply:	Municipal
Sewer:	On-site

Site Summary:	Zoning:	Use:
North:	A1 - Agriculture 1	agriculture, extensive
East:	A1 - Agriculture 1	agriculture, extensive
South:	A1 - Agriculture 1	agriculture, extensive
West:	A1TA – Agriculture 1 (Agri-Tourism Accommodation)	agriculture, extensive & agri-tourism accommodation

ANALYSIS

The owner has submitted a non-farm use application (Attachment F) to the Agricultural Land Commission (ALC) requesting permission to operate seven campsites (tourist accommodations) on the subject property (Attachment A – Location and Site Plan). Tourist accommodations are not permitted as a standalone use in the ALR (Attachment D). Campsites and other forms of accommodations may be permitted if on-property stays by the travelling public are associated with approved agri-tourism activities. This non-farm use application is required because the owner does not plan to offer agri-tourism activities in conjunction with the proposed tourist accommodations.

The subject property is zoned A1 – Agriculture. The A1 zone does not permit tourist accommodation; however, the A1ta – Agriculture (Agri-Tourism Accommodation) zone does permit the proposed use. In addition to the ALC application, the applicant has applied to rezone the property from A1 – Agriculture to A1ta – Agriculture (Agri-Tourism Accommodation) to permit the proposed campsite accommodations (Attachment G – Amendment Bylaw).

Agricultural Advisory Committee

The District’s Agricultural Advisory Committee (AAC) reviewed this application on December 9, 2024. After thorough consideration, the AAC did not support the application for the following reasons:

1. Setting a precedent for further Tourist Accommodation of campsites at this location.
2. Issues with the site plan, including the proposed location within an existing orchard and the need for a buffer from spray drift on the north property.
3. Lack of an Agri-Tourism Activities Plan in relation to the Tourist Accommodation.

Official Community Plan

Agriculture is a vital part of the District of Lake Country’s community identity. The agricultural sector faces challenges in developing and maintaining viable farm-based businesses, exacerbated by climate change and weather-related events in recent years.

The District’s OCP includes policies to foster the agricultural sector and support local producers and related businesses:

14.1.3.i. Allow farm agri-tourism or agri-business initiatives to occur in accordance with Agricultural Land Commission policies.

14.1.9.h. Encourage agri-tourism as an additional income generator for farmers.

14.6 Agri-tourism provides an opportunity for farm operators to diversify their revenue base. The District recognizes the importance of providing agriculturalists an opportunity to develop agri-tourism businesses on active farms as a means of assisting farmers and promoting local tourism. Agri-tourism uses could include on-farm campsites, agriculturally-themed bed and breakfasts along with other on farm activities intended to entertain, accommodate and educate tourists.

The proposal is consistent with the agri-tourism policies of the District's OCP.

Zoning Bylaw and ALC

The applicant proposes developing seven campsites for Tourist Accommodation. A summary of the agri-tourism-related zoning regulations is included in the table below.

Zoning Analysis Table			
Development Regulations	A1 – Agriculture Zone	A1ta – Agriculture Zone	Proposed Development
Farm classification (Assessment Act)	Yes		
Agri-Tourism Accommodation	Not Permitted	Permitted	Campsite
Sleeping units	---	Up to 10	7

The proposed development would be consistent with the agri-tourism regulations in the A1ta – Agriculture Zone. The owner would be required to operate the proposed campsites as per the District's regulations regarding noise, vehicle use, and parking established through business licensing.

Staff support the proposed ALR and Zoning Bylaw amendment applications.

COMMUNICATION

Internal and External Referrals were sent out on October 11, 2024. Should Council (and the ALC) support the proposal, the applicant would be required to obtain a driveway access permit, develop an on-site sewer plan, provide a separate water service for the campsites, and clarify the maximum duration a guest can stay per calendar year. Additionally, the owner would need to apply to the District of Lake Country for a Business Licence. A referral comment letter from the BC Ministry of Agriculture and Food (Attachment E) suggested that the applicant consider measures to manage orchard overspray onto the campground during the summer.

ALTERNATIVE RECOMMENDATIONS

- A. Agricultural Land Reserve ALR00192 application for Non-Farm Use on the property at 12820 Trewitt Road, (Roll 02907.000; PID 011-888-261) be supported with the following recommendations:
 Locate the proposed campground away from the orchard (no fruit tree removals); and
 Develop a management plan to mitigate the risk to campground users of orchard overspray;
 AND THAT ALR00192 application for Non-Farm Use be forwarded to the Agricultural Land Commission;
 AND THAT Zoning Amendment (Z0000333) Bylaw 1264, 2025 be read a first time.
- B. THAT Agricultural Land Reserve ALR00192 for Non-Farm Use on the property at 12820 Trewitt Road, (Roll 02907.000; PID 011-888-261) not be supported;
 AND THAT ALR00192 not be forwarded to the Agricultural Land Commission;
 AND THAT Zoning Amendment (Z0000333) Bylaw 1264, 2025 not be read and the file closed.
- C. THAT Agricultural Land Reserve ALR00178 for Non-Farm Use on the property at 12820 Trewitt Road, (Roll 02907.000; PID 011-888-261) not be supported;
 AND THAT ALR00192 be forwarded to the Agricultural Land Commission;
 AND THAT Zoning Amendment (Z0000333) Bylaw 1264, 2025 be deferred pending the ALC decision on the ALR application.

Respectfully Submitted,

Jason Tran, Planner

Report Approval Details

Document Title:	ALR00192 and Z0000333 - 12820 Trewitt Road Council Report.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - ALR00192 - Location and Site Plan.pdf - Attachment B - ALR00192 - ALC Policy L04 - Agri-tourism Activities.pdf - Attachment C - ALR00192 - Site Photos.pdf - Attachment D - ALR00192 - Bulletin 6 Tourist and Agri-tourism Accommodation In ALR.pdf - Attachment E - ALR00192 - Ministry of AF Referral Response.pdf - Attachment F - ALR00192 - ALR Application Submission A.pdf - Attachment G - ALR00192 - Draft Zoning Amendment (Z0000333) Bylaw 1264, 2025.pdf
Final Approval Date:	Jan 9, 2025

This report and all of its attachments were approved and signed as outlined below:

Brian Zurek, Manager of Long Range Planning - Jan 7, 2025 - 1:37 PM

Jeremy Frick, Director of Development Approvals - Jan 8, 2025 - 12:56 PM

Reyna Seabrook, Director of Corporate Services - Jan 8, 2025 - 3:14 PM

Paul Gipps, Chief Administrative Officer - Jan 9, 2025 - 7:29 AM