

**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:** Zoning Bylaw Amendment | Z0000335 | 14198 Middle Bench Road  
**Description:** To rezone a property allowing Agri-tourism accommodation at 14198 Middle Bench Road, within the Agricultural Land Reserve.

**RECOMMENDATION**

THAT Zoning Amendment (Z0000335) Bylaw 1265, 2025 be read a first, and second time;  
AND THAT Zoning Amendment (Z0000335) Bylaw 1265, 2025 be forwarded to a public hearing.

**EXECUTIVE SUMMARY**

The subject property (Attachment A) is zoned A1—Agriculture and is located within the Agricultural Land Reserve (ALR). The applicant proposes to use an existing residential building with five sleeping units for Agri-Tourism Accommodation (Attachment B).

The Agricultural Land Commission (ALC) requires an agri-tourism activity to occur on the farm to permit agri-tourism accommodation. The applicant has submitted a solid proposal for their agri-tourism activities.

The proposal aligns with the District's Official Community Plan (OCP) but necessitates an amendment to the Zoning Bylaw from A1 - Agriculture 1 to A1TA – Agriculture 1 (Agri-Tourism Accommodation).

Staff support the proposal as it offers income diversification for the owner. Should Council support the application, the next step is to forward it to a public hearing.

**BACKGROUND**

The property is ALR and A1 – Agriculture 1; there are two existing residential buildings. The older dwelling, located centrally on the subject property, is the applicant’s location for the proposed agri-tourism accommodations. The newer dwelling, located near the eastern boundary of the parcel, is the owners’ primary residence. The farm is an established vineyard with medicinal herbs and botanicals.

Property Information			
<b>Application Type:</b>	Rezoning Amendment (Z0000335)	Application Date: November 26, 2024	
<b>Folio/Roll #:</b>	03060.000		
<b>PID &amp; Legal Description</b>	011-871-075; LOT D SECTION 36 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 974 EXCEPT PLANS 9150 AND 20591		
<b>Civic Address:</b>	14198 Middle Bench Road		
<b>Applicant:</b>	ROHL, JASON	<b>Owner:</b>	10049421 MANITOBA LTD
<b>OCP Designation:</b>	Agricultural		
<b>Zoning Designation:</b>	A1 – Agriculture 1		

<b>Land Use Contract</b>	NA	
<b>ALR:</b>	Yes	
<b>Parcel Size:</b>	3.75 ha/9.26 ac	
<b>Development Permit Areas:</b>	Drainage Hazard	
<b>Water Supply:</b>	Municipal	
<b>Sewer:</b>	On-site	
<b>Site Summary:</b>	<b>Zoning:</b>	<b>Use:</b>
North:	A1 - Agriculture 1	agriculture, extensive
East:	A1 - Agriculture 1	agriculture, extensive
South:	A1 - Agriculture 1	agriculture, extensive
West:	RR3 – Rural Residential 3	single family housing

## ANALYSIS

The owner has submitted a rezoning application to authorize agri-tourism accommodation (up to five units) within an existing residential building on the subject property (Attachment B). The applicant estimates that less than 5% of the parcel will be used for the accommodation portion, including the existing house, landscaping, and road access. The applicant’s rationale letter and summary are in Attachment C.

The property is currently zoned A1 – Agriculture and would require a zoning amendment to change from A1 to A1TA to allow for “agri-tourism accommodation (A1TA only)” as a secondary use on land classified as “farm” under the Assessment Act. The property has farm status from BC Assessment.

The Agri-Tourism Activities in the Agricultural Land Reserve (ALR) Policy L-04 (Attachment D) applies to this application. The policy requires that the parcel be actively farmed, have Class 9 - Farm classification under the BC Assessment Act (“farm class”), and that agri-tourism accommodation be offered in relation to an agri-tourism activity as defined in section 12(2) of the ALR Use Regulation (see Section 5).

The Agri-Tourism Activities plan has been submitted with the application and is attached as Attachment C for the AAC to review. The plan includes two main components:

1. The applicant proposes guided educational tours for guests, including tours of the vineyard and herbal gardens. These tours will provide insights into sustainable farming practices and the benefits of medicinal herbs.
2. The applicant plans to host workshops to teach guests about their herbal concoctions (e.g., bath salts and herbal remedies) made from herbs harvested directly from their land. Multiple examples of their lesson plans are included in the agri-activities plan.

The ALC’s Information Bulletin 6: Tourist and Agri-Tourism Accommodation in the ALR is also attached to this report (Attachment E).

### Agricultural Advisory Committee

The District’s Agricultural Advisory Committee (AAC) reviewed this application on December 9, 2024. The AAC supported the application, provided an appropriate vegetation buffer is placed around the agri-tourism accommodation building.

As noted previously, the proposed agri-tourism accommodations would be located in an existing residence less than 10 m from planted grape vines on the subject property. The owners would ensure that farm operations continue to support the principal activity of farming without impacting the health and safety of guests. Following the recommendations of the AAC, Council could consider securing a management plan (which may include a vegetative buffer) prepared by a Qualified Professional, as a condition of approval.

### 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 Official Community Plan (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.

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

#### Zoning Bylaw

The applicant proposes using an existing house with five bedrooms for agri-tourism accommodation. The draft bylaw is included as Attachment F.

Zoning Analysis Table	A1TA Requirement	Applicant proposal
Farm classification (Assessment Act)	Yes	Yes
Secondary Uses	Agri-Tourism Accommodation	Agri-Tourism Accommodation
Sleeping units (farm size 2.0-3.9 ha)	5	5

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 agri-tourism business as per the District's regulations regarding length of stay, on-site activities, and vehicle parking established through business licensing.

Should Council support first and second reading of the proposed bylaw amendment, the application would proceed to a public hearing.

Staff support the proposed amendment application.

#### **COMMUNICATION**

Internal and External Referrals were sent out on December 6<sup>th</sup>, 2024. In summary, there were no concerns from staff as there is no charge for on-site services. Economic Development staff comment that Agri-Tourism is an essential part of Lake Country. Diverse service offerings can support local farming operations during challenging market conditions. Increased agri-tourism can support tourism in Lake Country in the long term.

Should the application proceed to a public hearing, the proposal would be advertised as per the Development Approval Procedures Bylaw requirements, including a development notice sign(s) on the subject property, notice letters to surrounding property owners within 100 m of the subject property, and advertisements in two issues of the Lake Country Calendar.

#### **OPTIONS**

The following options are presented for the Council's consideration:

- A. Zoning Amendment (Z0000335) Bylaw 1265, 2025 be read a first, and second time;  
AND THAT Zoning Amendment (Z0000335) Bylaw 1265, 2025 be forwarded to a public hearing;  
AND THAT prior to adoption, the District secure a management plan prepared by a Qualified Professional, to mitigate the risk of agricultural overspray on agri-tourism accommodation guests.
- B. THAT Zoning Amendment (Z0000335) Bylaw 1265, 2025 not be read a first time, and the file be closed.
- C. THAT Zoning Amendment (Z0000335) Bylaw 1265, 2025, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,  
Jason Tran, Planner

## Report Approval Details

Document Title:	Z0000335 - 14198 Middle Bench Road - Council Report.docx
Attachments:	<ul style="list-style-type: none"> <li>- Attachment A - Z0000335 - Location and Orthophoto.pdf</li> <li>- Attachment B - Z0000335 - Site Plan.pdf</li> <li>- Attachment C - Z0000335 - Proposal Summary Re-zoning for Andrea and Jason.pdf</li> <li>- Attachment D - Z0000335 - Agri-Tourism Activities.pdf</li> <li>- Attachment E - Z0000335 - Tourist and Agri-Tourism Accommodation.pdf</li> <li>- Attachment F - Z0000335 - Draft Zoning Amendment Bylaw 1265, 2025.pdf</li> </ul>
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 - 1:30 PM**

**Jeremy Frick, Director of Development Approvals - Jan 8, 2025 - 5:09 PM**

**Reyna Seabrook, Director of Corporate Services - Jan 8, 2025 - 5:28 PM**

**Paul Gipps, Chief Administrative Officer - Jan 9, 2025 - 8:08 AM**