

Date: April 7, 2026
To: Anthony Haddad, City Manager
From: Yvonne Kent, Planner II
Address: 1210 Evans Avenue

File No: RMS/1210 Evans Avenue

Subject: **Agricultural Land Reserve (ALR) Non-Adhering Residential Use – PL10142**

Staff Recommendation

THAT Council authorize “ALR Non-Adhering Residential Use – PL10142”, for Parcel Z District Lot 204 Similkameen Division Yale District Plan 1599 Except Plan KAP47886 located at 1210 Evans Avenue, to proceed to the Agricultural Land Commission with support.

Strategic priority objective

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Proposal

This application is for a non-adhering residential use in the Agricultural Land Reserve (ALR). The applicant proposes to construct an additional residence on the property. The ALC application provides more information on the applicant’s intent (Attachment D).

Under Section 20.1 of the Agricultural Land Commission Act, an owner may apply to the ALC for a non-adhering residential use application. Under the Act, such an application must not proceed to the ALC for consideration unless authorized by a resolution of the local government.



Figure 1- Property Location

Background

The property is located on the south side of Evans Avenue. The property is 11 acres (4.4 ha) in size and currently contains a single detached dwelling (170 m² in size) and vineyard.

The property is zoned A – Agriculture in the Zoning Bylaw, designated Agriculture in the Official Community Plan, and is within the ALR. The surrounding area consists of other properties zoned A – Agriculture, designated Agriculture, and within the ALR.

The property owner wishes to construct one additional single family dwelling on the property (345 m² in size). The existing single family dwelling would remain in place, resulting in a total of two single family dwellings on the parcel.

Financial implication

The applicant is responsible for all development costs, including any service upgrades, for the proposed development.

Technical Review

The application was reviewed by the City's Technical Planning Committee (TPC). The additional dwelling would require an electrical service upgrade. An Environmental Development Permit will be required prior to applying for a Building Permit unless the proposal meets one of the exemptions listed in Chapter 5 of the Official Community Plan.

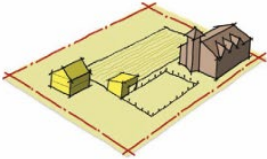
Analysis

Agricultural Land Commission (ALC) Legislation

As per s.20.1 of the *Agricultural Land Commission Act*, unless permitted by the regulations, a property may have no more than one principal residence per parcel. If an owner wishes to construct an additional principal residence, a non-adhering residential use application is required.

Official Community Plan

The property is designated 'Agriculture' within the Official Community Plan (OCP) Future Land Use Map. The Agricultural designation is described as "allows for growing, producing, harvesting, storage, processing and sale of agricultural produce".

Land Use	Description	Building Type(s)	Uses	Height / Density
Agriculture 	Allows for growing, producing, harvesting, storage, processing and sale of agricultural produce.	<ul style="list-style-type: none"> • Agricultural buildings • Detached houses 	<ul style="list-style-type: none"> • Agricultural • Residential 	<ul style="list-style-type: none"> • 1-2 units per parcel

The OCP also includes the following policies, which are directly applicable to the proposed non-adhering residential use application:

OCP Policy 4.5.1.2 Work with the Agricultural Land Commission (ALC) to ensure that agricultural activities remain the primary use on lands within the Agricultural Land Reserve (ALR) and encourage active farming use of those lands. Proposed compatible non-farm uses and non-soil-based agriculture should be comprehensively reviewed to ensure there are NO negative impacts on agricultural viability and operations

Zoning Bylaw

The property is zoned “A – Agriculture” in the Zoning Bylaw. The purpose of this zone is “to provide for appropriate development within rural areas and to allow agricultural uses as well as other complementary uses suitable in an agricultural setting, while protecting these uses from intrusion of uses not compatible with farm operations”. The zone permits one single detached dwelling. As the applicant is proposing to permit two single detached dwellings, a site specific text amendment to the A – Agriculture Zone would be required as follows:

- In the case of Parcel Z District Lot 204 Similkameen Division Yale District Plan 1599 Except Plan KAP47886, located at 1210 Evans Avenue, a maximum of two **dwelling units** is permitted, in the form of two **single detached dwelling** units.

The proposed site specific text amendment would include the provision that a maximum of two dwelling units is permitted on the property. This ensures no additional dwellings are placed on the property (ex: suites, carriage houses) as this would exceed the max number of dwelling units permitted in the Official Community Plan Agriculture Land Use Designation (1-2 units per parcel).

Should Council choose to forward the application to the ALC, and it be approved by the ALC, staff will subsequently bring forward the site specific text amendment for Council’s consideration.

Support Non-Adhering Residential Use

Constructing a second single detached dwelling on the property does not conflict with the Agriculture designation on the property that permits 1-2 units per parcel and aligns with policies in the OCP as no negative impacts to the agricultural land are expected. Should the ALC grant the non-adhering residential use, a future zoning bylaw amendment application would be required to permit two single detached dwellings. It is recommended that Council authorize the application to proceed to the ALC with support.

Alternate recommendations

Council may consider that the proposal would negatively impact the agricultural potential of the property. If this is the case, Council may choose the alternative recommendation:

- 1. THAT Council not authorize "ALR Non-Adhering Residential Use – PL10142" to proceed to the ALC.

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – ALC Application

Respectfully submitted,

Yvonne Kent
Planner II

Concurrence

<p>General Manager of Development Services</p> <p><i>BL</i></p>	<p>City Manager</p> <p><i>AM</i></p>
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