

## ADMINISTRATIVE REPORT

**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** November 14, 2016  
**RE:** Zoning Bylaw Amendment – Electoral Area “E”



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**Purpose:** To allow for the conversion of an existing dwelling into a winery and farm equipment storage and into farm labour accommodation on the second storey.

**Owner:** Nancy South & Iain Mant    **Agent:** Okanagan Development Consultants    **Folio:** E-02062.000

**Legal:** Lot 21, DL 206, SDYD, Plan 576, Except Plan H17800    **Civic:** 2255 Naramata Rd.

**Zoning:** Agriculture One (AG1)    **Proposed Zoning:** Agriculture One Site Specific (AG1s)

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### **Proposal:**

This proposal is seeking to amend the current zoning of the subject property in order to allow for the conversion of an existing two storey dwelling into a winery and/or farm equipment storage on the bottom storey and develop farm labour accommodation on the top storey.

Specifically, the applicant is requesting an Agriculture One Site Specific (AG1s) Zone that will permit for one accessory dwelling, that being the upper storey of the existing building, to increase the floor area of 184 m<sup>2</sup> from the permitted 140 m<sup>2</sup>. The site specific zone would also restrict any further accessory dwellings to be constructed on the property.

The applicant has indicated that the “proposed amendment will enhance the owner’s ability to manage and improve the agricultural capability of the property” and furthermore, the “applicants are willing to waive their rights to build a second accessory dwelling (maximum 70 square metres)” and that the “requested increase to 184 square metres is less than the combined area to two permitted 140 m<sup>2</sup> and 70 m<sup>2</sup> accessory dwellings”.

### **Site Context:**

The subject property is approximately 4.24 ha in area and is situated on the west side of Naramata Rd and is located approximately 1 km north of the City of Penticton’s boundary. The majority of the property is within the Agricultural Land Reserve (ALR). The western third of the property contains a steep slope down to Okanagan Lake.

The property appears to currently contain a detached dwelling unit and a detached accessory building. Approximately one third of the property is under agricultural production.

The surrounding pattern of development is generally characterized by agricultural properties, zoned AG1 and within the ALR.

### **Background:**

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The property was created through a 1909 subdivision plan and a building permit was issued for a single family dwelling in 1975.

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is designated Agriculture (AG) and is zoned Agriculture One (AG1) under the Electoral Area "E" Zoning Bylaw No. 2459, 2008. Under the AG1 zone, the maximum number of dwellings permitted on a parcel between 4.0 and 7.99 ha in size is two accessory dwellings and one principal dwelling. Section 7.11 under General Regulations requires that accessory dwellings shall have a floor area of no greater than 140 m<sup>2</sup> for the first dwelling and 70 m<sup>2</sup> for any others.

The applicant's site plan indicates a location for a future dwelling site on the subject property. To date, a building permit has not been received.

**Analysis:**

As the Advisory Planning Commission (APC) is aware, Administration does not generally support the creation of ad hoc or spot zonings where they are divorced from broader strategic land use objectives.

In this instance the proposed site specific zone will not substantially vary the intent of zone or strategic land use objectives. Objectives of the OCP are to "preserve agricultural land with continuing value for agriculture for current and future production, to protect this land from uses which are incompatible with existing agricultural uses" and further to "support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use."

This proposal will see the reuse of the existing dwelling and at the same time reduce the overall square footage of accessory dwellings permitted in the AG1 zone. The site specific zone will limit the overall square footage of accessory dwellings permitted on the property to the upper storey of the existing dwelling (~ 184 m<sup>2</sup>) which is less than the 210 m<sup>2</sup> permitted (140 + 70 m<sup>2</sup>). In this way the proposal can be seen as preserving agricultural land while also allowing for the possibility of added value if a winery were to be established.

The proposed site specific zone will also include the requirement that the 184 m<sup>2</sup> dwelling be used only for farm labour accommodation.

Administration believes that this proposal will support the agricultural use of the property and therefore supports the requested site specific zoning.

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**Administrative Recommendation:**

**THAT the APC recommends to the RDOS Board that the subject development application be approved.**

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**Options:**

1. THAT the APC recommends to the RDOS Board that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board that the subject development application be approved with the following conditions:

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i) TBD

3. That the APC recommends to the RDOS Board that the subject development application be denied.

**Respectfully submitted**

**Endorsed by:**

**Endorsed by:**

*E Riechert*



Donna Butler

E.Riechert, Planner

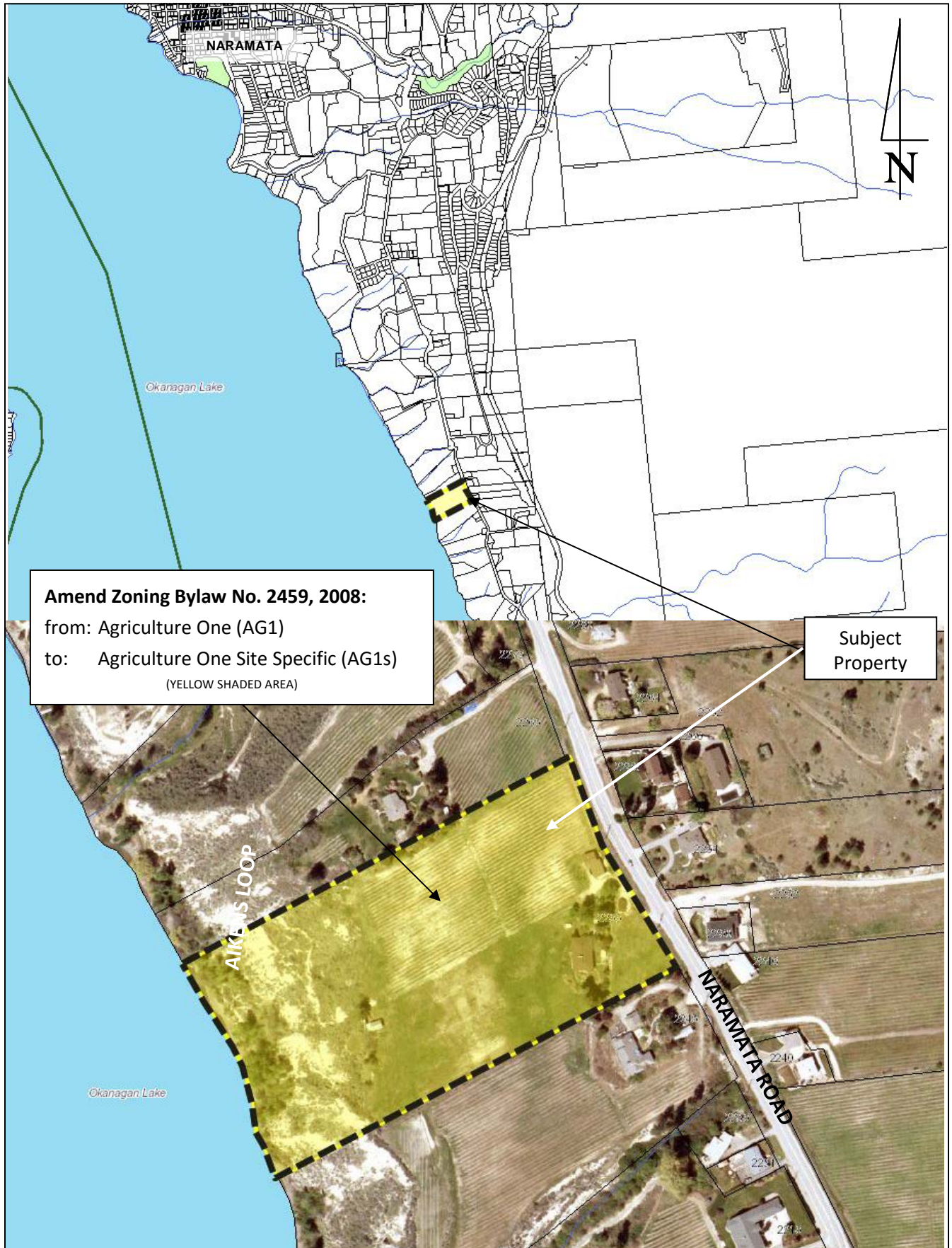
C. Garrish, Planning Supervisor

D. Butler, Dev. Services Manager

Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

Attachment No. 1 - Context Maps



Attachment No. 2 – Applicant’s Site Plan

