

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: December 1, 2016
RE: Zoning Bylaw Amendment – Electoral Area “E”



Administrative Recommendation:

THAT Bylaw No. 2459.21, 2016, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

AND THAT the holding of a public hearing be delegated to Director Kozakevich;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Kozakevich;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

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)

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 accommodation on the top storey.

Specifically, the applicant is requesting an Agriculture One Site Specific (AG1s) Zone that will permit the floor area for an accessory dwelling, being the upper storey of the existing building, to be increased to 184 m². This area of 184 m² is less than the combined floor area for two permitted accessory dwellings (i.e. 210 m²). 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 m² and 70 m² accessory dwellings”.

Site Context:

The subject property is approximately 4.24 ha in area and is situated on the west side of Naramata Road 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:

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 m² for the first dwelling and 70 m² 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.

Referrals:

At its meeting of November 14, 2016, the Electoral Area "E" Advisory Planning Commission (APC) made a motion to recommend to the Board that the application be approved.

Referral comments on this proposal have been received from Interior Health Authority, the Ministry of Forests, Lands and Natural Resource Operations (Archaeology Branch & Ecosystems Section), Fortis, Agricultural Land Commission (ALC) and these are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required as the proposal is situated beyond 800 metres of a controlled area.

Analysis:

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 m²) which is less than the 210 m² permitted (140 + 70 m²).

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. This proposal is also consistent with the “temporary farm worker housing” provisions (which allow for the clustering of accessory dwelling floor area in a single structure) that exist in the Electoral Area “A” & “C” Zoning Bylaws and which Administration is proposing to introduce to Electoral Area “E” as part of a separate Ag Zone Update. Administration believes that this proposal will support the agricultural use of the property and therefore supports the requested site specific zoning.

Alternatives:

That Bylaw No. 2459.21, 2016, Electoral Area “E” Zoning Amendment Bylaw be denied.

Respectfully submitted

E. Riechert
E. Riechert, Planner

Endorsed by:


C. Garrish, Planning Supervisor

Endorsed by:

Donna Butler
D. Butler, Dev. Services Manager

Attachments: No. 1 – Applicant’s Site Plan

Attachment No. 2 – Applicant’s Site Plan



OKANAGAN DEVELOPMENT
CONSULTANTS INC.

LAND & BUILDING DEVELOPMENT CONSULTANTS:
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PROJECT: BYLAW AMENDMENT APPLICATION FOR IAIN MANT
PROJECT ADDRESS: 2295 NARAMATA RD, NARAMATA, BC
LEGAL DESCRIPTION: LOT 21, DL 206, SDVD PLAN 576 EXCEPT PLAN H17B01ST
CURRENT ZONING: AGI
PLOT DATE: September 27, 2016

The Client, Works Manager, Or Contractor Is Responsible For Informing Okanagan Development Consultants Inc. Of Any Query Or Concern Regarding The Works Described On The Drawing, Including Verification Of Dimensions And Any Information Regarding Unusual Or Unanticipated Conditions Encountered During Execution Of The Works Or Preparation For Them.

A Site Plan
1:1000