

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 6, 2017  
**RE:** Zoning Bylaw Amendment – Electoral Area “E”

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## **Administrative Recommendation:**

**THAT Bylaw No. 2459.24, 2017, 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 scheduled for the Regional District Board meeting of July 20, 2017;**

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

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Purpose: To allow for the development of one accessory building up to 210 m<sup>2</sup> in area

Owners: Malcolm & Hazel Clark                      Agent: Dave Sutton                      Folio: E-02500.000

Legal: That part of DL 286 shown on Plan B1364, SDYD, Except Plans 29967 and A11020

Civic: 4865 N Naramata Road, Naramata

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

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## **Proposed Development:**

This application is seeking to combine two allowable accessory dwellings of 140 m<sup>2</sup> and 70 m<sup>2</sup> into one accessory dwelling of up to 210 m<sup>2</sup>.

Specifically, it is being proposed to introduce a site specific zoning that will allow only one accessory dwelling on the property to not exceed 210 m<sup>2</sup>.

In support of the application, the applicant has stated that the 210 m<sup>2</sup> house will be for “his son and family who will be living there to put their family orchard back into production”; further the applicant states that “the property is well suited to adding a dwelling of this size, there is plenty of area for it’s septic and it is not encroaching into the watercourse area ... There will be no negative impact on the adjacent properties or public lands and ...the project can only be of benefit as it will transform this idle agricultural property back into a working orchard and provide employment for local and seasonal farm workers.”

## **Site Context:**

The subject property is approximately 6.43 ha in area and is situated on the west side of North Naramata Rd approximately 2 km from the Naramata town area. There is currently one dwelling on the property located near North Naramata Rd.

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The property is bounded by two watercourses and steep slopes to the west. The area where the proposed accessory dwelling is to be located appears to be rated under the G.G. Runka Soil Stability Ratings as “hazard of materials sliding or slumping”.

The surrounding pattern of development is seen to be characterised by a mix of residential, rural-residential and agricultural uses. The property is partially within the Agricultural Land Reserve (ALR) with many nearby properties also in the ALR.

**Background:**

The subject property appears to have been created by subdivision in 1921 and available Regional District records indicate issuance of Building Permits in 1979 and 1980 for an addition and renovation to a single detached dwelling.

Under the Electoral Area ‘E’ Zoning Bylaw No. 2459, 2008, the subject property is zoned Agriculture One (AG1), which permits up to a maximum of two accessory dwellings for parcels between 4.0 and 7.99 ha in area. Accessory dwellings are limited in floor area to be no greater than 140 m<sup>2</sup> for the first and 70 m<sup>2</sup> for any others.

**Referrals:**

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

Referral comments on this proposal have been received from the Interior Health Authority (IHA), Penticton Indian Band (PIB) and Agricultural Land Commission (ALC) and these are included as a separate item on the Board Agenda.

**Public Process:**

At its meeting of June 12, 2017, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this development proposal be approved.

A Public Information Meeting was held ahead of the APC meeting on June 12, 2017, and was attended by one (1) member of the public.

**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 for agriculture lands 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”.

The proposal, by combining the floor area of two permitted accessory dwellings as one building, will effectively result in a reduction of the overall footprint.

In considering this proposal, Administration notes its previous support for the introduction of “carriage houses” as a permitted form of residential development in other Electoral Areas on the basis that “carriage houses” present an opportunity to diversify housing stock, create a more liveable

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alternative to basement suites, create potential accommodation for extended family, and allow people to age in place.

Conversely, the location of the proposed accessory dwelling could be constructed nearer the existing dwelling and North Naramata Rd, thereby, 'clustering' development on the property and maintaining a more cohesive and un-fragmented farm parcel.

The Board is advised that the proposed updating of the AG Zone regulations (considered at its March 14, 2016 meeting) is scheduled to proceed through the formal approval process starting June 15, 2017. The new AG1 regulations will place a greater restriction on accessory dwellings for properties less than 8.0 ha in area by limiting a maximum floor area of 90 m<sup>2</sup>. It is anticipated that the subject application will proceed ahead of the final approval of the AG Zone regulations.

**Alternatives:**

- .1 THAT Bylaw No. 2459.24, 2017, Electoral Area "E" Zoning Amendment Bylaw be denied; OR
- .2 THAT Bylaw No. 2459.24, 2017, Electoral Area "E" Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of the public hearing be delegated to Chair Kozakevich or delegate;

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*.

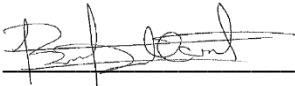
**Respectfully submitted**

  
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E. Riechert, Planner

**Endorsed by:**

  
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C. Garrish, Planning Supervisor

**Endorsed by:**

  
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B. Dollevoet, Dev. Services Manager

Attachments: No. 1 – Applicant's Site Plan

No. 2 – Applicant's Floor Plan & Elevation

Attachment No. 1 – Applicant’s Site Plan



Attachment No. 2 – Applicant’s Floor Plan & Elevation

