

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** February 17, 2022  
**RE:** Zoning Bylaw Amendment – Electoral Area “E” (E2021.025-ZONE)

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### Administrative Recommendation:

**THAT** Bylaw No. 2459.40, 2022, a bylaw to amend the Electoral Area “E” Zoning Bylaw be read a first and second time; and

**THAT** prior to the scheduling of a public hearing, a statutory covenant is registered on the title of Strata Lot 11, District Lot 2711, SDYD, Strata Plan KAS600, requiring the construction of an accessory dwelling with a floor area greater than 70 m<sup>2</sup> using rammed earth and hemp creep walls with a minimum thickness not less than 12”; and

**THAT** the holding of the 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*.

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Purpose: To allow for an increase to the maximum permitted gross floor area for accessory dwellings

Legal: Strata Lot 11, District Lot 2711, SDYD, Strata Plan KAS600

Zone: Large Holdings One (LH1)                      Civic: 11-7080 Glenfir Road                      Folio: E-06826.135

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### Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for the development of oversized accessory dwellings.

The applicant is proposing to amend the zoning of the property under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, from Large Holdings One (LH1) to Large Holdings One Site Specific (LH1s), with the site specific regulation stipulating that the maximum permitted gross floor area for an accessory dwelling not exceed 88 m<sup>2</sup> and 178 m<sup>2</sup>, respectively.

In support of the rezoning, the applicant has stated that “we plan on building rammed earth and hemp creep walls (12” – 22” thick walls) ... thick walls use up a great deal more gross floor area than conventional walls, which reduces livable floor space ...”

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**Site Context:**

The subject property is approximately 4 ha in area and located directly south of the Okanagan Mountain Provincial Park. It is situated 500 metres north of Glenfir Road and accessed by a strata road. It is understood that the parcel is presently undeveloped.

The surrounding pattern of development is generally characterised by similarly sized rural residential parcels that either have been developed with single detached dwellings or are vacant.

**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on February 19, 1985, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Large Holdings (LH), and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation.

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the property is currently zoned Large Holdings One (LH1) which permits a single detached dwelling and an accessory dwelling.

The Regional District has received written complaints regarding the number of recreational vehicles stored on the property.

BC Assessment has classified the property as "Residential" (Class 01).

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

**Public Process:**

On February 7, 2022, a Public Information Meeting (PIM) was held via Webex and was attended by 4 members of the public.

At its meeting of February 7, 2022, the Electoral Area "E" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved, subject to the following conditions:

- i) prior to the scheduling of a public hearing, a statutory covenant be prepared, requiring the construction of an accessory dwelling with a floor area greater than 70 m<sup>2</sup> in area using rammed earth and hemp creep walls with a minimum thickness not less than 12".*

**Analysis:**

The zoning bylaw regulates the size and number of accessory dwellings to, amongst other things, ensure they remain subordinate to the principal use and do not create pressure for subdivision.

In this instance, the requested increase in the floor area is relatively minor (18 m<sup>2</sup> and 38 m<sup>2</sup>) in the context of the property. Further, the subject parcel is large in area and the increased footprint is not

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expected to negatively impact the amenity of neighbouring properties or any existing streetscape characteristics.

The applicant is proposing to use rammed earth and hemp creep walls for construction as an environmentally friendly and efficient alternative to conventional materials.

Conversely, Administration notes that the applicant is at a preliminary design stage and since no construction has commenced yet, it is possible to amend the floor plans in a way that meets the provisions of the bylaw.

Further, with regard to the contention that the existing floor area allowances in the zoning bylaw do not provide a suitable living area, Administration considers this subjective and not borne out by experience (i.e. 25-30 m<sup>2</sup> is sometimes considered the minimum floor area required for a dwelling unit). As such, the applicant's request for increased floor area is not viewed as strictly necessary to allow for the design of a "livable" dwelling.

**Alternatives:**

1. THAT Bylaw No. 2459.40, 2022, 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 scheduled for the Regional District Board meeting of March 17, 2022; and  
  
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT Bylaw No. 2459.40, 2022, 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 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*.
3. THAT Bylaw No. 2459.40, 2022, Electoral Area "E" Zoning Amendment Bylaw be, be denied.

**Respectfully submitted:**

*Nikita Kheterpal*

Nikita Kheterpal, Planner I

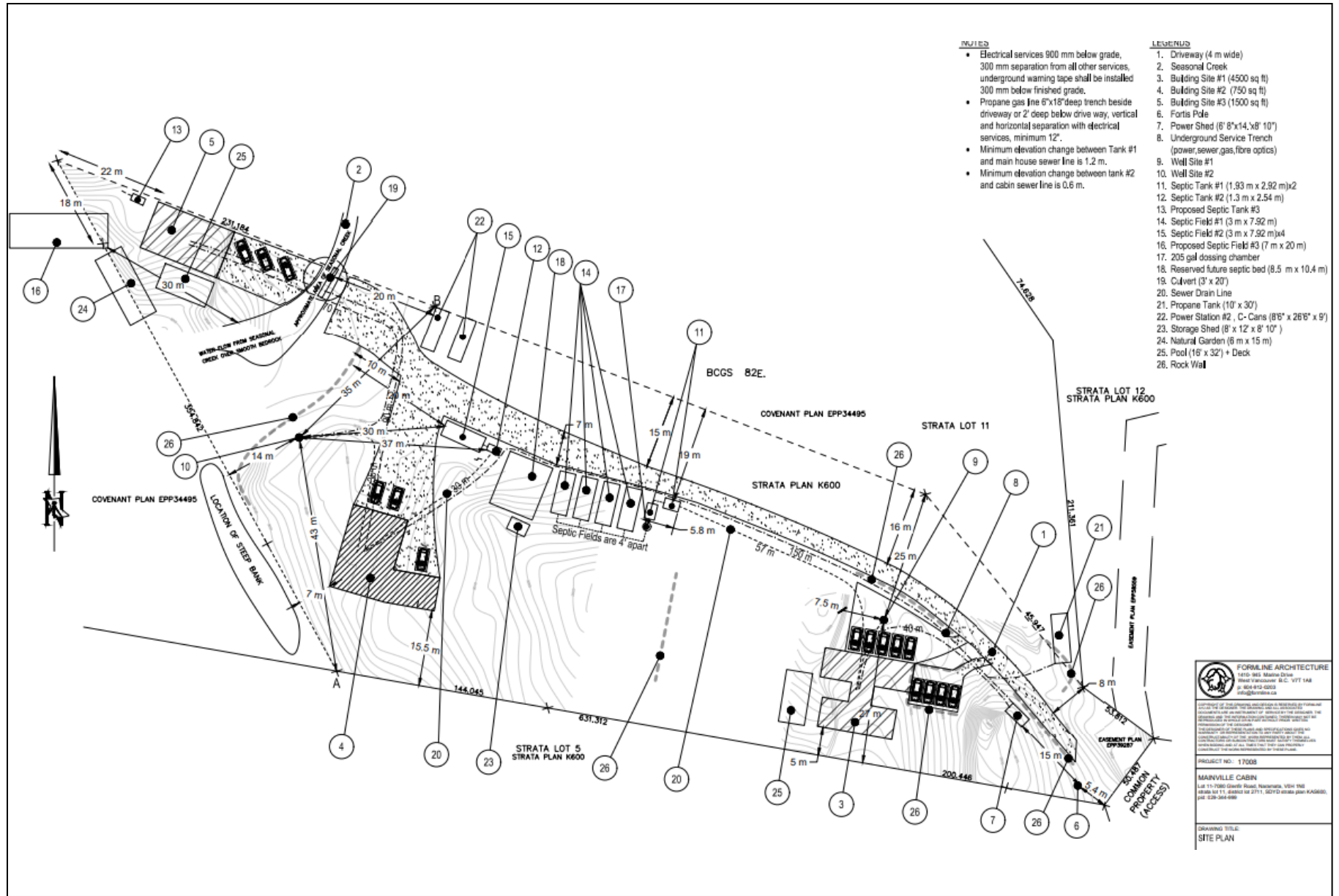
**Endorsed By:**



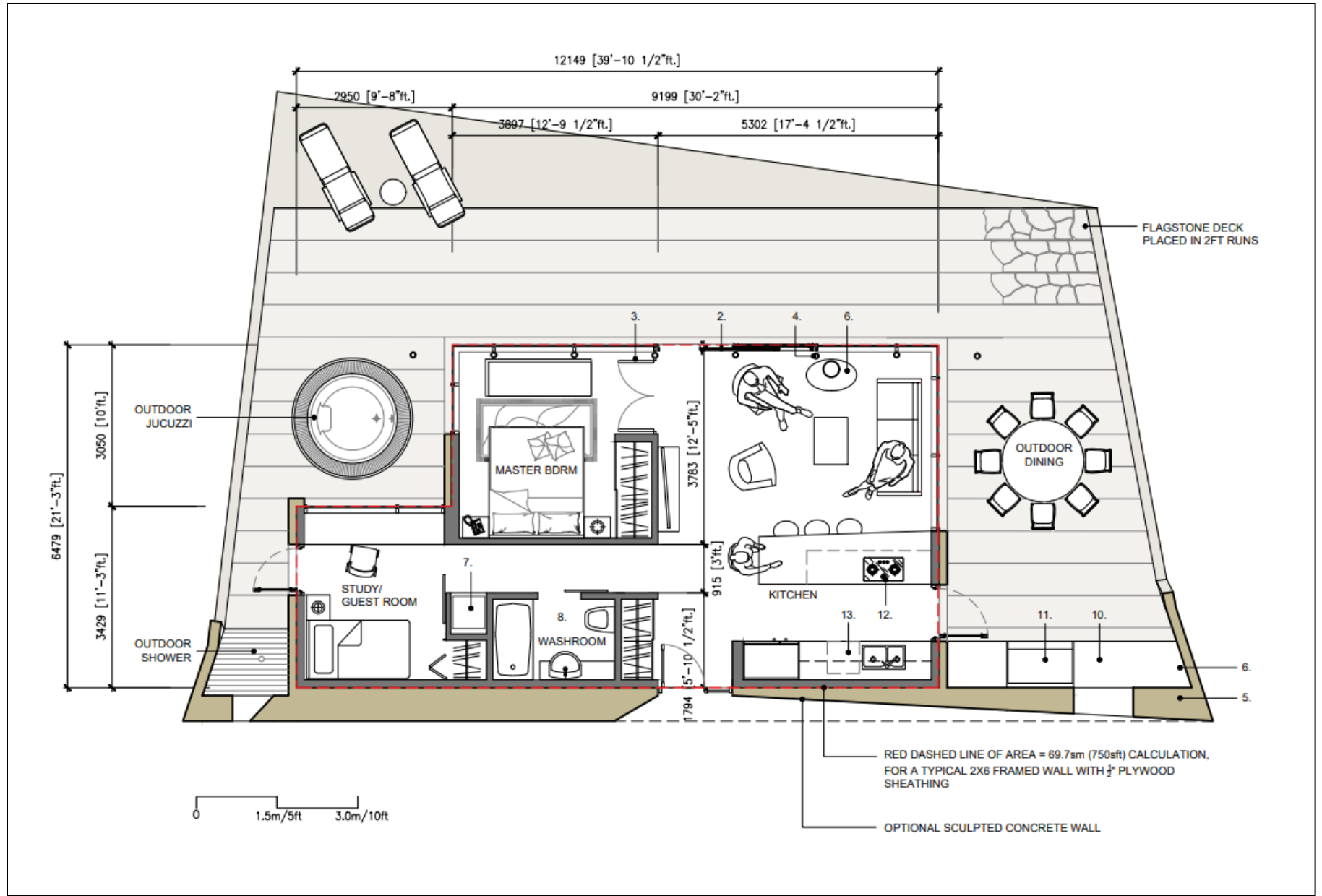
C. Garrish, Planning Manager

- Attachments:** No. 1 – Applicant's Site Plan  
No. 2 – Applicant's Floor Plan - Accessory Dwelling 1 (88 m<sup>2</sup>)  
No. 3 – Applicant's Floor Plan - Accessory Dwelling 2 (178 m<sup>2</sup>)  
No. 4 – Site Aerial Photo

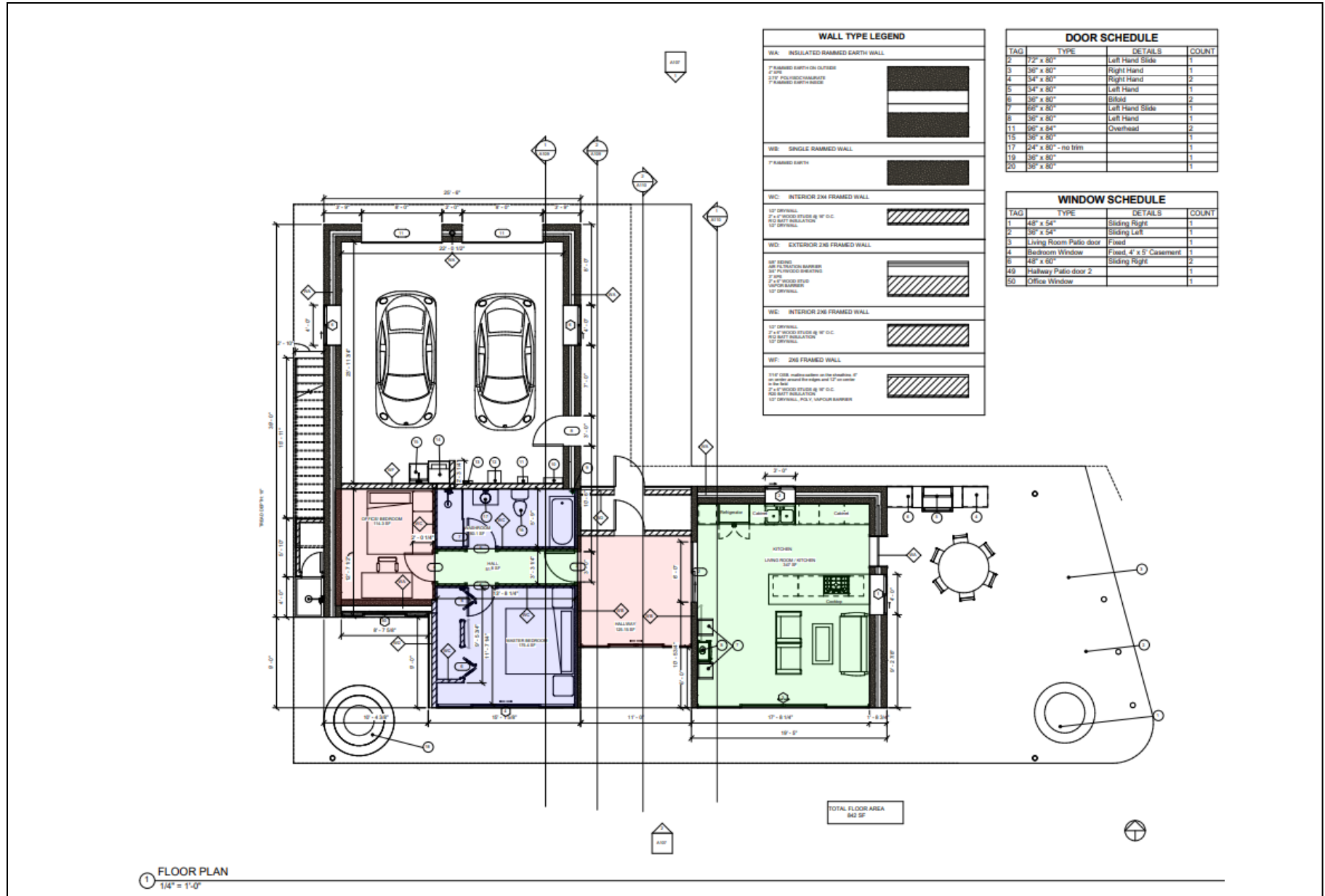
# Attachment No. 1 – Applicant's Site Plan



Attachment No. 2 – Applicant’s Floor Plan - Accessory Dwelling 1 (88 m<sup>2</sup>)



Attachment No. 3 – Applicant’s Floor Plan - Accessory Dwelling 2 (178 m<sup>2</sup>)



WALL TYPE LEGEND	
<b>WA: INSULATED RAMMED EARTH WALL</b>	
2" RAMMED EARTH ON OUTSIDE	[Pattern]
2" EPS POLYISOCYANURATE	
2" RAMMED EARTH INSIDE	
<b>WB: SINGLE RAMMED WALL</b>	
2" RAMMED EARTH	[Pattern]
<b>WC: INTERIOR 2x6 FRAMED WALL</b>	
1/2" DRYWALL	[Pattern]
2" x 4" WOOD STUDS @ 16" O.C.	
1/2" GIBB INSULATION	
<b>WD: EXTERIOR 2x6 FRAMED WALL</b>	
1/2" DRYWALL	[Pattern]
2" x 4" WOOD STUDS @ 16" O.C.	
1/2" GIBB INSULATION	
2" EPS POLYISOCYANURATE	
2" x 4" WOOD STUDS @ 16" O.C.	
<b>WE: INTERIOR 2x6 FRAMED WALL</b>	
1/2" DRYWALL	[Pattern]
2" x 4" WOOD STUDS @ 16" O.C.	
1/2" GIBB INSULATION	
<b>WF: 2x6 FRAMED WALL</b>	
1/2" GIBB INSULATION ON THE OUTSIDE OF	[Pattern]
2" EPS POLYISOCYANURATE	
2" x 4" WOOD STUDS @ 16" O.C.	
1/2" GIBB INSULATION	
1/2" DRYWALL, POLY. VAPOR BARRIER	

DOOR SCHEDULE			
TAG	TYPE	DETAILS	COUNT
2	12" x 80"	Left Hand Slide	1
3	36" x 80"	Right Hand	1
4	34" x 80"	Right Hand	2
5	34" x 80"	Left Hand	1
6	36" x 80"	Bitoid	2
7	36" x 80"	Left Hand Slide	1
8	36" x 80"	Left Hand	1
11	36" x 84"	Overhead	2
15	36" x 80"		1
17	24" x 80" - no trim		1
18	36" x 80"		1
20	36" x 80"		1

WINDOW SCHEDULE			
TAG	TYPE	DETAILS	COUNT
1	48" x 54"	Sliding Right	1
2	36" x 54"	Sliding Left	1
3	Living Room Patio door	Fixed	1
4	Bedroom Window	Fixed, 4' x 5' Casement	1
8	48" x 60"	Sliding Right	2
4B	Hallway Patio door 2		1
5D	Office Window		1

1 FLOOR PLAN  
1/4" = 1'-0"

TOTAL FLOOR AREA  
843 SF



Attachment No. 4 – Site Aerial Photo

