

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 15, 2017

RE: Zoning Bylaw Amendments - Electoral Areas "A", "C", "D", "E", "F" & "H"
Ag Zone & Regulations Update

Administrative Recommendation:

THAT Bylaw No. 2728, 2017, Regional District of Okanagan-Similkameen Update of Agricultural Zones and Regulations 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 6, 2017;

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

Purpose:

Amendment Bylaw No. 2728 represents the culmination of a multi-year review and update of the definitions and regulations that affect the agricultural zones in the Electoral Area Zoning Bylaws.

Background:

The proposed updating of the Agriculture Zones and Regulations is the culmination of a number of different actions and directions provide over the previous 4 years, including:

- previous Board resolutions (i.e. introduction of a uniform definition of "winery", updating of livestock regulations, etc);
- a legal review of the (then) new zoning bylaw for Electoral Area "H" which highlighted issues that are also present in the other Electoral Area zoning bylaws (i.e. deletion of references to the ALC Act & Riparian Assessment Area, updated definitions, etc.);
- implementation of Agricultural Area Plans (AAP) in Electoral Areas "C" (Oliver) and "A" (Osoyoos), which included regulations that would have merit in the other Electoral Areas; and
- day-to-day use of the zoning bylaws by staff and the resulting identification of a number of minor textual errors, inconsistencies or outdated references that require attention.

At its meeting of July 21, 2016, the P&D Committee considered comments received from the APCs and resolved to proceed with Amendment Bylaw No. 2728 subject to the minimum number of small livestock and livestock being adjusted from 1 to 2.

At its meeting of May 4, 2017, the P&D Committee resolved to direct staff to amend Draft Amendment Bylaw No. 2728 (Update of Agricultural Regulations) to:

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- allow accessory dwellings to be constructed within an accessory building or structure in the Agriculture zones; and
 - allow the keeping of honey bees in the Low Density Residential zones.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption as the proposed amendments will affect land situated within 800 metres of a controlled area (i.e. Highways 3 & 97).

Public Process:

Public Information Meetings were previously held in Okanagan Falls on March 8, 2016, and Penticton on March 10, 2016.

Between March and April of 2016, the proposed amendments contained within Bylaw 2728 were considered by the Electoral Area “A”, “C”, “D”, “E”, “F”, and “H” Advisory Planning Commissions (APCs), while Public Information Meetings. NOTE: since consideration by the APCs, the amendment bylaw has been updated to include the provision for honey bees and revised accessory dwelling provisions that will allow dwelling units in the AG Zones to occur in accessory structures (i.e. “carriage houses”).

To date, agency comments have been received from the Fortis and the Agricultural Land Commission (ALC) and these are included as a separate item on the Board Agenda (NOTE: Administration is anticipating the submission of additional comments prior to the public hearing).

Analysis:

Administration considers the work undertaken to modernise and update agricultural definitions and regulations contained within the Electoral Area Zoning Bylaws to be a significant improvement and an important step towards ensuring consistency across the Electoral Area zoning bylaws with regards to farm lands. These updates include, but are not limited to, the following:

- standardised agriculture and farm related definitions under Section 4.0 (Definitions) in each of the Electoral Area Zoning Bylaws;
- improving the consistency of uses permitted in the RA, AG and LH zones across Electoral Areas;
- updating accessory dwellings regulations in order to standardize floor area allowances; removing 5.0 metres / single storey height restriction; allowing dwellings in accessory structures (i.e. “carriage house”) and further allowing for the clustering of floor area on larger parcels;
- introducing chickens and honey bees as a permitted use in the low density residential zones (i.e. no more than 2 hives, no more than 5 chickens and no roosters);
- increasing the number of livestock (i.e. horses) permitted on parcels between 0.4 ha and 1.0 ha from 1 to 2;
- removing a conflict between the keeping of livestock regulations and setbacks (i.e. 30 metres) for livestock on parcels less than 2.0 ha in area;
- removing the floor area restrictions on wineries and packinghouses (i.e. 600 m² in the AG1 Zone and 1,500 m² in the AG2 Zone);

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- introducing a varied maximum parcel coverage allowance for parcels between 2,020 m² and 2.0 ha in area;
 - introducing standardised regulations for Agri-tourism Accommodation, Kennels (i.e. 4.0 ha minimum parcel size requirement) and Provisions for Retail Sales of Farm and/or Off-farm products, while deleting redundant provisions related to the *Agricultural Land Commission Act* and *Riparian Area Regulations*; and
 - completing a comprehensive review of all existing site specific provisions in light of the aforementioned changes and deleting those which would become redundant under the new regulations.

Alternative:

THAT the Board of Directors deny first reading of Amendment Bylaw No. 2728, 2017.

Respectfully submitted:



C. Garrish, Planning Supervisor