

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 1, 2022
RE: Zoning Bylaw Amendment – Electoral Area “C” (C2022.010-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2800.15, 2022, a bylaw to amend the Okanagan Valley Zoning Bylaw to allow for an oversized accessory dwelling at 4120 Black Sage Road, be read a third time and adopted.

Legal: Lot 2, District Lot 2450S, SDYD, Plan 30096, Except Plan 37902 Folio: C-06576.551
OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for the construction of an accessory dwelling greater than 125 m² in floor area.

In order to accomplish this, the applicant is proposed to amend the zoning of the property under the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Agriculture One (AG1) to Agricultural One Site Specific (AG1s), with the site specific regulation to allow for the construction of a 271 m² accessory dwelling.

In support of the rezoning, the applicant has stated that “the proposed residence is situated above the winery/bakery areas of the building to preserve arable farmland by minimizing the footprint of the new construction”.

Site Context:

The subject property is approximately 5.28 ha in area and is situated on the west side of Black Sage Rd. It is understood that the parcel is comprised of vineyard, a tasting and bakery building as well as wine production building, which contains the property owners’ current residence on the top floor.

The surrounding pattern of development is generally characterised by agricultural production; however, the areas to the west of the subject property are undeveloped and zoned Conservation Area (CA).

Background:

July 13, 2022 - a Public Information Meeting (PIM) was held at the Oliver Community Centre and was attended by one member of the public.

July 19, 2022 - the Electoral Area “C” Advisory Planning Commission recommended that the subject development application be approved.

August 4, 2022 - first and second reading of the amendment bylaws were approved and a public hearing scheduled.

September 1, 2022 - The public hearing was heard and all comments received to date in relation to this application are included with this report.

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

Analysis:

The OCP Bylaw contains policy which speaks to maximizing the farm activities on agricultural lands by limiting the footprint of non-farm uses, such as through the clustering of buildings, structures and related activities (Sections 9.3.19 & 9.3.24). The property is predominantly used for agricultural production and the existing buildings and associated infrastructure are located within the central portion of the property.

The applicant is proposing to renovate the existing tasting and bakery building, and the completed building will consist of three levels and contain a winery, tasting room/bakery, and the new residence.

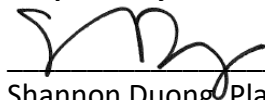
The proposed construction includes a 72 m² increase in the footprint of the existing tasting room and bakery building; however, the utilization of multiple levels within one building for the winery and residence would mitigate concerns of agricultural land loss in consideration of the alternative of constructing multiple buildings for the various uses.

In summary, as the proposal is generally consistent with the property's AG OCP designation,

Alternatives:

1. THAT first and second reading of Bylaw No. 2800.15, 2022, Okanagan Valley Zoning Amendment Bylaw be rescinded and the bylaw abandoned.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo

No. 3 – Floor Plan (Level 3 – Living)

No. 5 – West Elevation

No. 7 – South Elevation

No. 2 – Applicant's Site Plan

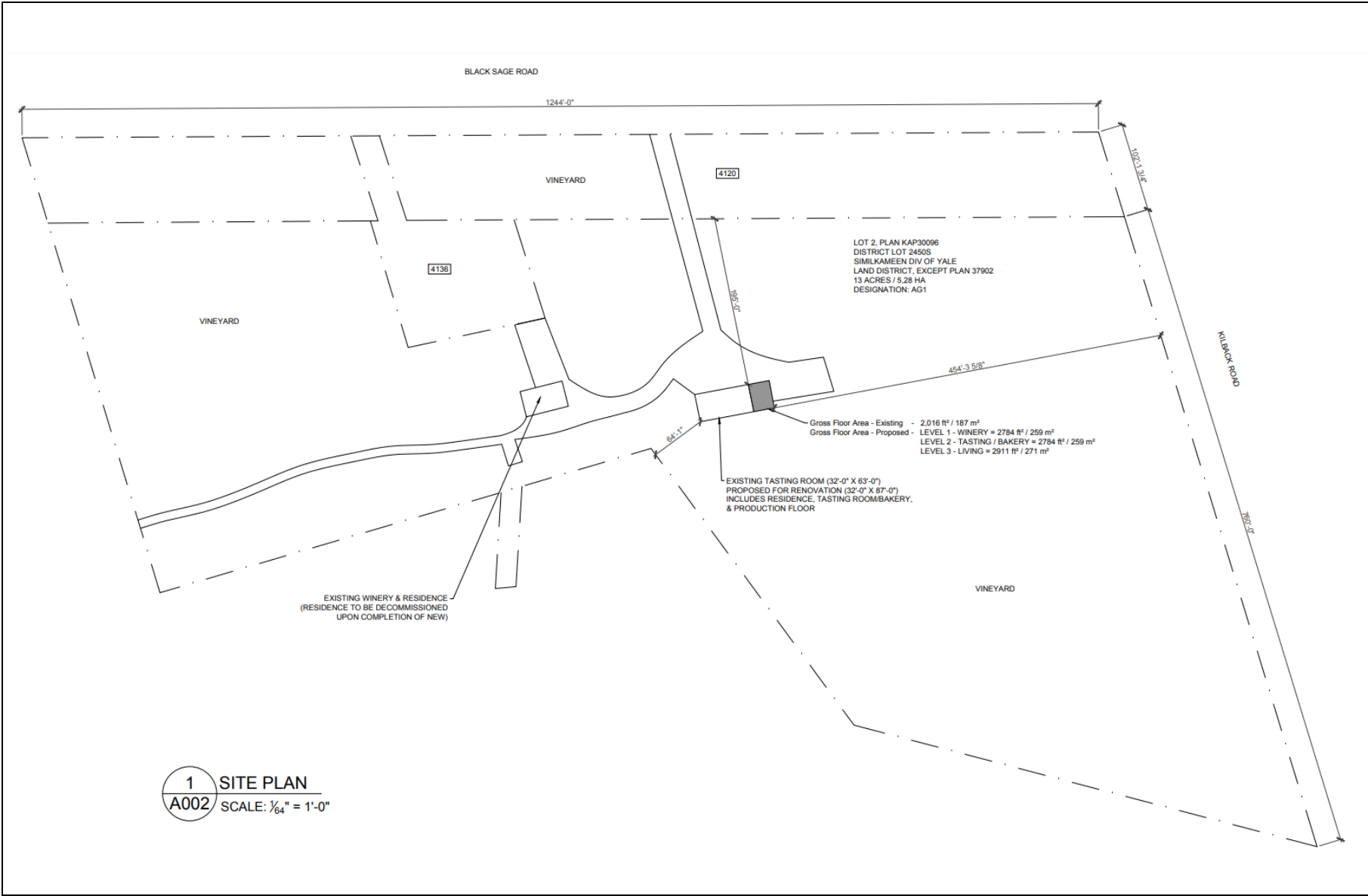
No. 4 – East Elevation

No. 6 – North Elevation

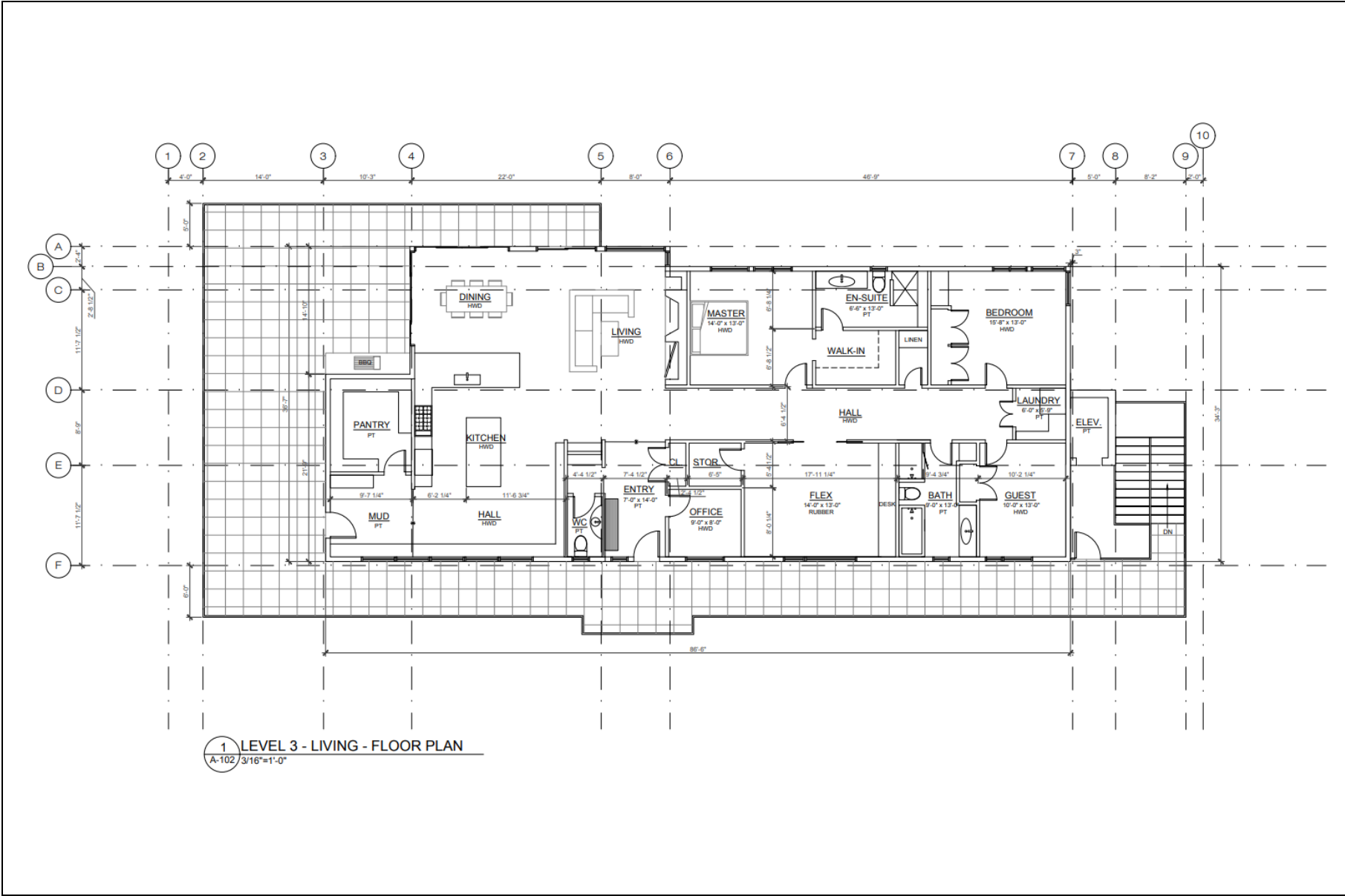
Attachment No. 1 – Aerial Photo



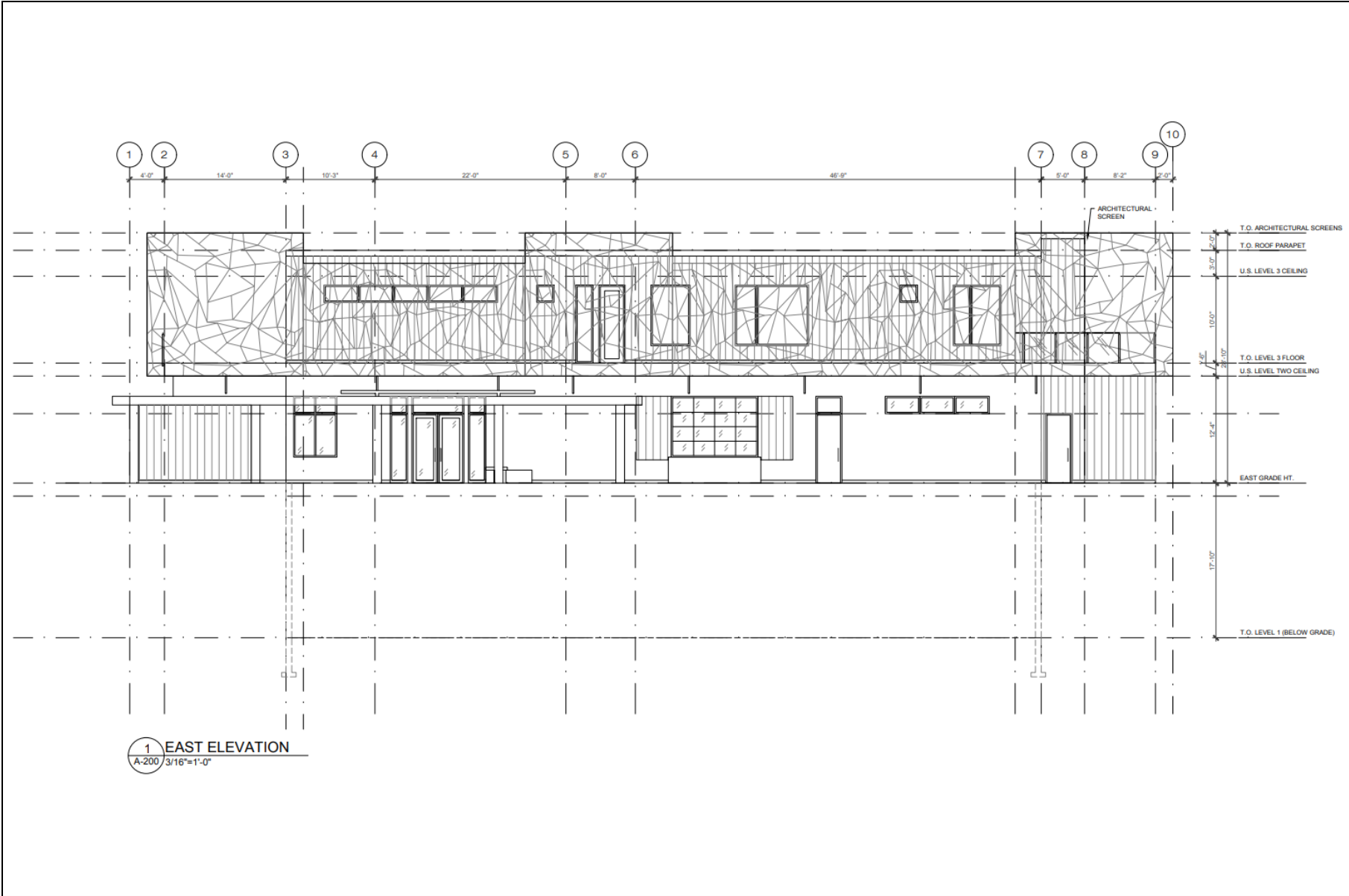
Attachment No. 2 – Applicant’s Site Plan



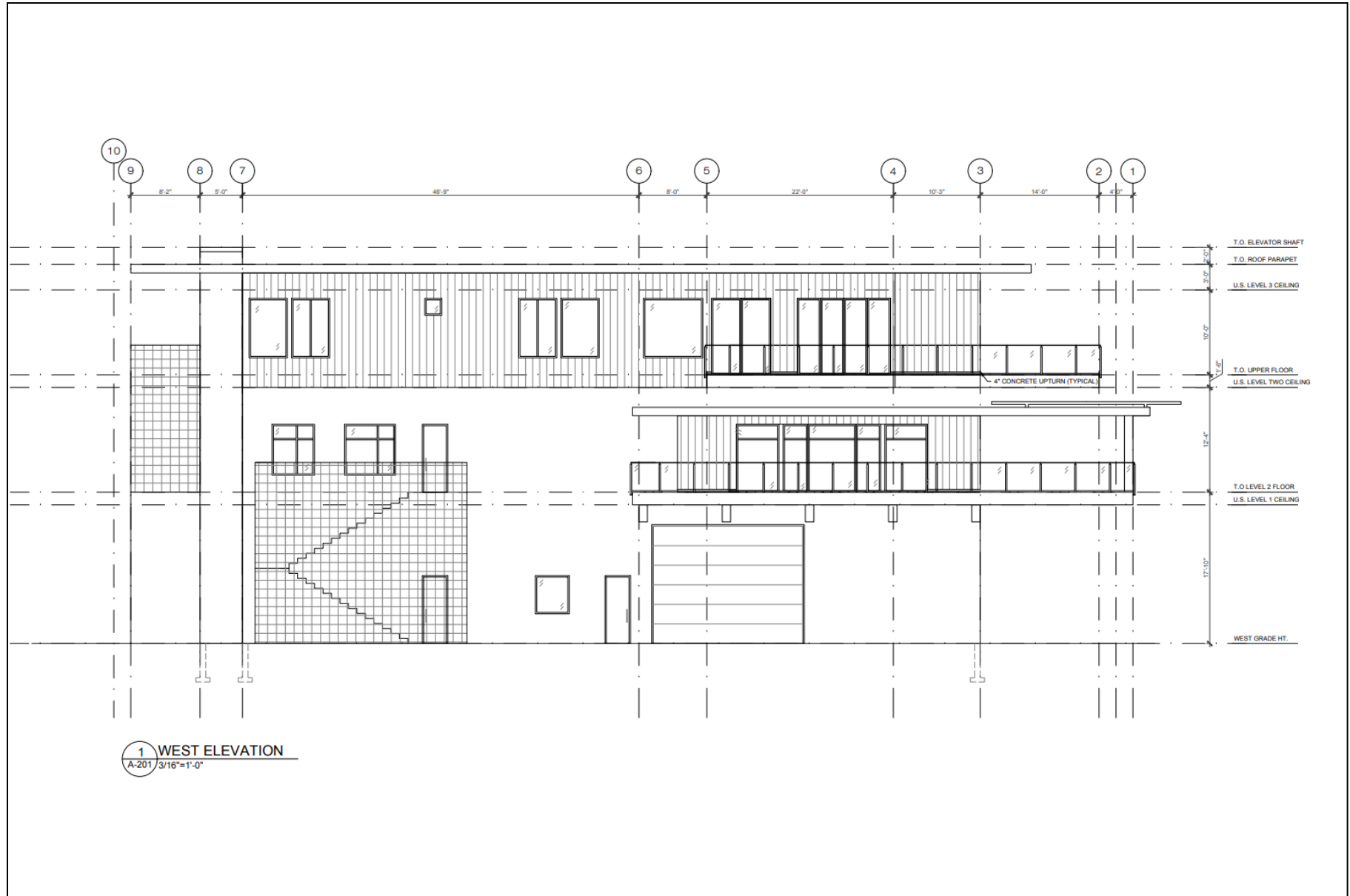
Attachment No. 3 – Floor Plan (Level 3 – Living)



Attachment No. 4 – East Elevation

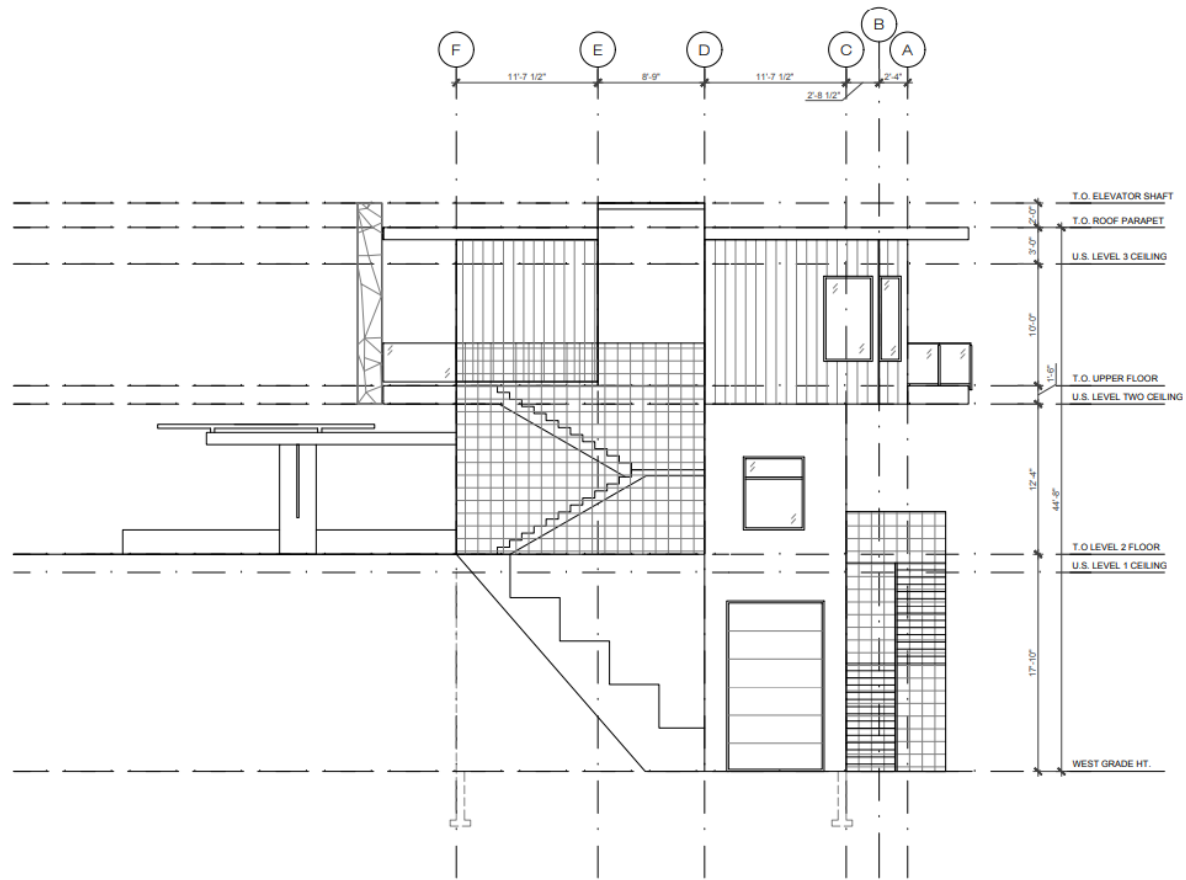


Attachment No. 5 – West Elevation



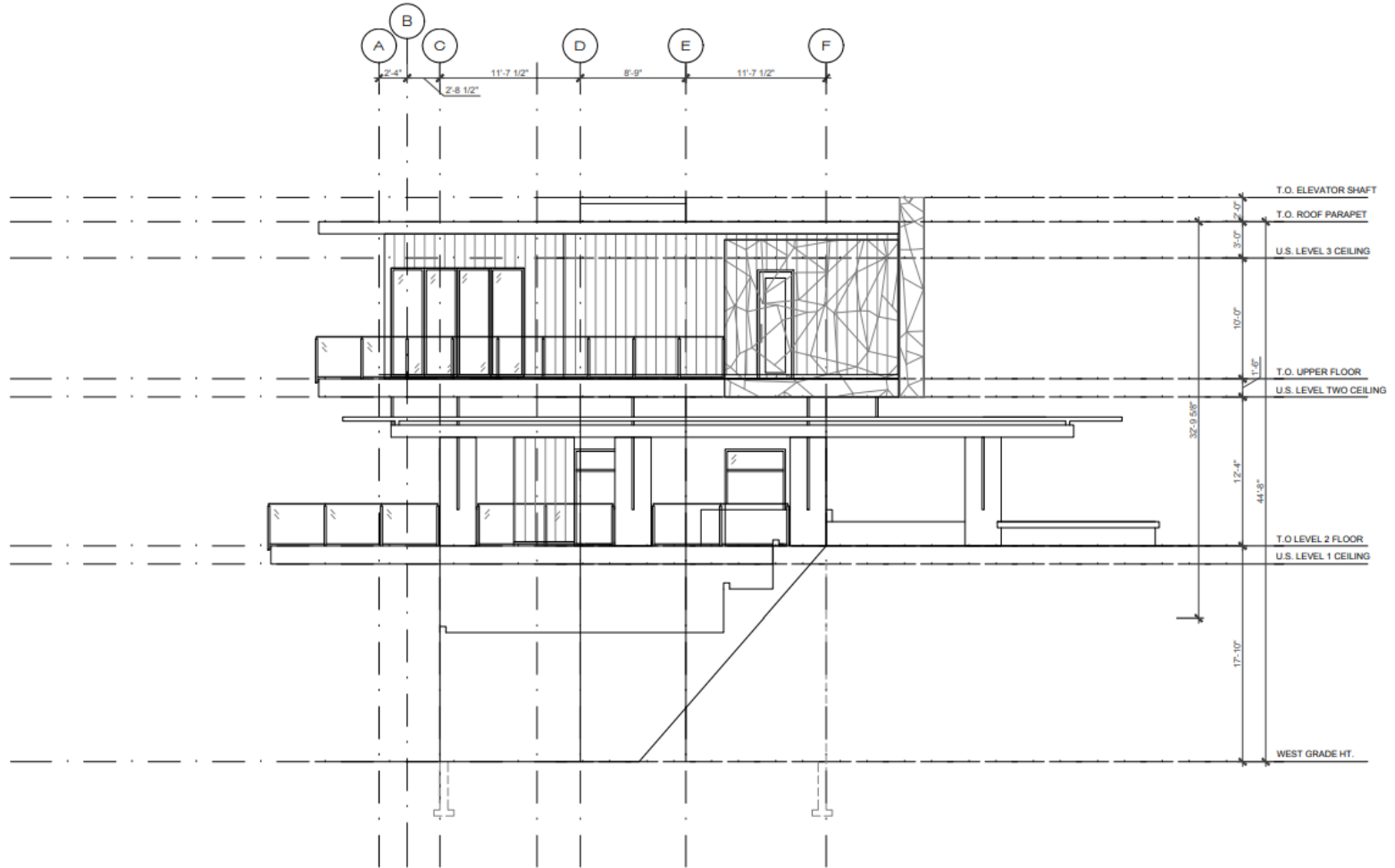
1 WEST ELEVATION
A-201 3/16"=1'-0"

Attachment No. 6 – North Elevation



1 NORTH ELEVATION
A-202 3/16"=1'-0"

Attachment No. 7 – South Elevation



1 SOUTH ELEVATION
A-203 3/16"=1'-0"