



December 1, 2022

File: 0280-30

Local Government File: C2022.016 - ZONE

Shannon Duong, Planner II
Regional District of Okanagan-Similkameen
Via Email: planning@rdos.bc.ca

Dear Shannon Duong:

Re: Rezoning in Order to Retain an Accessory Dwelling on the Subject Property (PID 009-321-683).

Thank you for providing Ministry of Agriculture and Food (ministry) staff the opportunity to comment on a site-specific zoning amendment from AG1 to AG1s, intended to retain an accessory dwelling (in this case a mobile home) at 7762 Island Road, Oliver (Subject Property). Ministry staff offer the following comments:

- The Agricultural Land Reserve (ALR) Use Regulation allows an additional dwelling of 90 m² on a property 40 ha or less where there is a principal residence of 500 m² or less, subject to local government bylaws or First Nation Government laws.
- The ministry's [Guide for Bylaw Development in Farming Areas](#) recommends that additional dwellings be located on a contiguous residential footprint with the principal dwelling at the front of the lot. In this case, the principal dwelling is sited closer to the rear of the lot, which makes it vulnerable to experiencing farm nuisances such as noise, odour and spray from any future farm operation on the neighbouring property.
- Adding an additional dwelling close to the neighbouring lot line has the potential to increase farm practice complaints from these farming nuisances.
- The proposed location of the additional dwelling appears to be consistent with the maximum recommended setback for dwellings from the front lot line of 50 metres; however, siting an additional dwelling away from the existing dwelling could increase speculation of future subdivision for the property.
- The proposed new driveway to access the additional dwelling will cross the property horizontally and reduce the amount of land available for agricultural

production in its current form; however, a dirt driveway and the impermanence of a mobile home should maintain the arable potential of the soil.

- According to the B.C. Soil Information Finder Tool mapping, the soils in front of the existing house are loam and sandy loam which are well-drained and rapidly drained, respectively. These soils may be well suited to growing lavender, as is the stated intent of the applicant; however, it would not be typical to grow a commercial crop of lavender over a septic field as this could pose challenges for both the crop and the integrity of the drainage field as heavy machinery would not be able to be used over this area.
- Ministry staff are concerned that an additional dwelling, septic field, and driveway on this small property could significantly impact the potential of the property to be used for a viable commercial agricultural operation.
- The applicant should be aware that any soil or fill (including gravel) that is necessary for developing a new driveway may require a Notice of Intent or a non-farm use application and approval from the Agricultural Land Commission (ALC). The applicant should contact ALC staff to determine if their proposal will require either of these approvals.

Please contact ministry staff if you have any questions regarding the above comments.

Sincerely,



Alison Fox, P.Ag.
Land Use Agrologist
BC Ministry of Agriculture, Food
and Fisheries
Alison.Fox@gov.bc.ca
(778) 666-0566



Philip Gyug, P.Ag.
Regional Agrologist
BC Ministry of Agriculture, Food
and Fisheries
Philip.Gyug@gov.bc.ca
(250) 378-0573

Email copy: Michael McBurnie, ALC Regional Planner, ALC.Referrals@gov.bc.ca



**DEVELOPMENT SERVICES
PRELIMINARY BYLAW
COMMUNICATION**

Your File #: C2022.016-ZONE
eDAS File #: 2022-05587
Date: November 3, 2022

Regional District Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment (Site Specific) Bylaw 2800.21 for:
Lot 1, District Lot 2450s, SDYD, Plan 12996**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions, please feel free to call Penticton Development Services at (250) 712-3660.

Yours truly,

Rob Bitte
Development Officer

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231

Lauri Feindell

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: November 1, 2022 9:30 AM
To: Shannon Duong
Subject: FW: Bylaw Referral - RDOS File No. C2022.016-ZONE - Zoning Amendment - Electoral Areas "C"
Attachments: RDOS File No. C2022.016-ZONE - Bylaw Referral Sheet.pdf
Follow Up Flag: FollowUp
Flag Status: Flagged

Hi Shannon

The ALC has no objection to the bylaw amendment as it is merely to legalize an existing second dwelling and does not provide further permission for additional dwellings.

However, the ALC advises that should the manufactured home be removed, or destroyed, the proposed bylaw does not confer automatic permission to replace the manufactured home. A non-adhering residential use application must be submitted to the ALC to replace the manufactured home, because manufactured homes are generally larger than 90 sq meters.

Regards

Martin Collins, Regional Planner, ALC
Ph. 604 953 6673

From: Shannon Duong <sduong@rdos.bc.ca>
Sent: October 27, 2022 2:34 PM
To: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; Gyug, Philip AF:EX <Philip.Gyug@gov.bc.ca>; HBE <HBE@interiorhealth.ca>; Referrals <Referrals@fortisbc.com>; ofdchief@oliver.ca; jcvitko@sd53.bc.ca; Bitte, Rob TRAN:EX <Rob.Bitte@gov.bc.ca>
Subject: Bylaw Referral - RDOS File No. C2022.016-ZONE - Zoning Amendment - Electoral Areas "C"

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Re: Amendment Bylaw No. 2800.21, 2022

Application Webpage: <https://www.rdos.bc.ca/development-services/planning/current-applications-decisions/electoral-area-c/c2022-016-zone>

The Regional District of Okanagan-Similkameen (RDOS) is seeking input from agencies whose interests may be affected by a zoning amendment bylaw.

Please find attached a referral for a zoning amendment bylaw and a link above to the draft amendment bylaw and related documents. Please review this information and if you have any questions, please do not hesitate to contact me.

Once reviewed, if you have any comments/concerns, please forward them to planning@rdos.bc.ca by **November 28, 2022**.

Regards,



Shannon Duong, MRM • Planner II
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4384 • tf. 1.877-610-3737 • f. 250-492-0063
www.rdos.bc.ca • sduong@rdos.bc.ca

I acknowledge that I work within the traditional, unceded territory of the syilx people in the Okanagan Nation.

This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/ or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.



Feedback Form

OKANAGAN-SIMILKAMEEN

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: C2022.016-ZONE

FROM: Name: Peter Ginter
(please print)

Street Address: 8009 Hwy 97 OLIVER B.C.

Date: Nov. 23 2022.

RE: Electoral Area "C" Zoning Amendment Bylaw No. 2800.21, 2022
7762 Island Road — Lot 1, District Lot 2450S, SDYD, Plan 12996

RECEIVED
Regional District

NOV 24 2022

101 Martin Street
Penticton BC V2A 5J9

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2800.21, 2022.

Why should they have a secondary home for rental income - they have a huge home which has been renovated already
This past spring they drilled a well, did site preparation and had the same neighbours they're complaining about make a trailer on the site - they've put a new roof on this same trailer - this was all completed before any permits were applied for - their adult children have already left home so I believe their intentions are strictly for rental income
Secondly - many of similar situations are people go ahead - buy the trailer (home) make all their changes then cry "poor me" after putting out the money for such - then they apply for "variances" or "applications"
Why do we have by-laws if they're not being enforced.

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

We're feeling (as I'm sure many are) that if everyone is else wanting/ having extra rental income - we do too!
Rent is high - w'd all like to have extra income!!

Lauri Feindell

Subject: FW: Bylaw Referral - RDOS File No. C2022.016-ZONE - Zoning Amendment - Electoral Areas "C"

From: HBE <HBE@interiorhealth.ca>
Sent: November 18, 2022 10:12 AM
To: Shannon Duong <sduong@rdos.bc.ca>
Subject: RE: Bylaw Referral - RDOS File No. C2022.016-ZONE - Zoning Amendment - Electoral Areas "C"

Morning Shannon,

Thank you for the opportunity to provide comments for consideration regarding the above-referenced application.

If the mobile home is connecting to the onsite sewage system, we recommend the applicant provide records of the Filing and Letter of Certification for the existing sewerage disposal system, as well as an Authorized Person (AP) as defined in the BC Sewerage System Regulation having performed a Performance Inspection on the existing sewerage dispersal system to confirm adequate performance, condition, size and location for the intended use (as per Section 7.2 of the Onsite Wastewater Certification Board Policy: APPENDIX 2, Registered Onsite Wastewater Practitioner (ROWP) Practice Guidelines). This assessment is to ensure the existing sewerage disposal system will be able to handle the flow/volume produced being connected to it, that it does not pose a health hazard/risk and that it meets the required vertical and horizontal separation distances as well as today's Sewerage System Standard Practice Manual, Version 3 standards.

Thanks,

May Lee Guan, CPHI(C)
Environmental Health Officer
Interior Health Authority
103, 1700 – 4th Street S, Cranbrook, BC V1C 6E1
Cell: 250-919-2196 | Fax: 250-426-3022
May-Lee.Guan@interiorhealth.ca