

# ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 19, 2022  
**RE:** Zoning Bylaw Amendment – Electoral Area “C”

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Purpose: To allow for an oversized accessory dwelling. Folio: C-06576.551  
Legal: Lot 2, District Lot 2450S, SDYD, Plan 30096, Except Plan 37902 Civic: 4120 Black Sage Road  
OCP: Agriculture (AG) Zone: Agriculture One (AG1)

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## **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 m<sup>2</sup> 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 m<sup>2</sup> 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:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on June 5, 1979, while available Regional District records indicate that a building permits have been issued for the placement of a mobile home (1986), a new single family dwelling (1991), a carport (1998), a farm building with living quarters (2005), and the conversion of a single family dwelling to a wine tasting room (2012; 2016).

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject property is currently designated Agriculture (AG).

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Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Agriculture One (AG1) which permits agriculture and alcohol production facility, subject to Section 7.8 as principal uses, and accessory dwelling or mobile home, subject to Section 7.2 as a secondary use.

“Single detached dwelling” means a detached building that contains one dwelling unit used for residential use by one family and may contain a secondary suite if permitted in the applicable zone.

As the proposed dwelling is to be sited on top of (i.e., attached to) a new winery and bakery building, it does not meet the definition of “single detached dwelling” and must meet the requirements of an “accessory dwelling”.

The property is within the Agricultural Land Reserve (ALR) and has been classified as part “Residential” (Class 01), part “Business and Other” (Class 06) and part “Farm” (Class 09) by BC Assessment.

**Agricultural Land Reserve:**

As there are no other dwellings on the property, the proposed new dwelling will be considered the “principal residence” on the property following the decommissioning of the existing residence, and is therefore limited to a maximum total floor area of 500 m<sup>2</sup> as per Section 20.1(1)(b) of the *Agricultural Land Commission Act*.

Any subsequent residence would be limited to a maximum total floor area of 90 m<sup>2</sup> under Section 34.3(1)(c)(i)(B) of the *Agricultural Land Reserve Use Regulation*.

The subject property was previously subdivided under the Agricultural Land Commission’s (ALC) Homesite Severance Policy in 1986 (ALC Resolution #655/86), which resulted in the current configuration of the parcel.

**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).

Administration notes that the subject 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.

Administration notes that the proposed construction would include a 72 m<sup>2</sup> 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.

Conversely, Administration is generally concerned regarding the loss of agricultural lands to non-agricultural uses, including residential use and associated accessory buildings/structures and supporting infrastructure.

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In this case, Administration recognises that the property owners would still be entitled to construct a single detached dwelling as a permitted principal use of the property, which could result in the loss of agriculturally productive lands.

Despite this, as the proposed accessory dwelling would be considered by the Agricultural Land Commission (ALC) to be the “principal residence” on the property, the property owners would only be permitted to construct one additional residence on the property to a maximum total floor area of 90 m<sup>2</sup> unless otherwise permitted by the ALC through the approval of a Non-Adhering Residential Use application.

In this regard, Administration finds that the floor area limitations imposed under the *Agricultural Land Reserve Use Regulation* aid in mitigating concerns of agricultural land lost to residential uses.

In summary, as the proposal is generally consistent with the property’s AG OCP designation, Administration supports the proposal and recommends that the subject development application be approved.

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**Administrative Recommendation:**

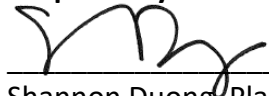
**THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.**

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**Options:**

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
  - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

**Respectfully submitted:**



Shannon Duong, Planner II

**Endorsed By:**



C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

No. 3 – Floor Plan (Level 1 – Winery)

No. 5 – Floor Plan (Level 3 – Living)

No. 7 – West Elevation

No. 9 – South Elevation

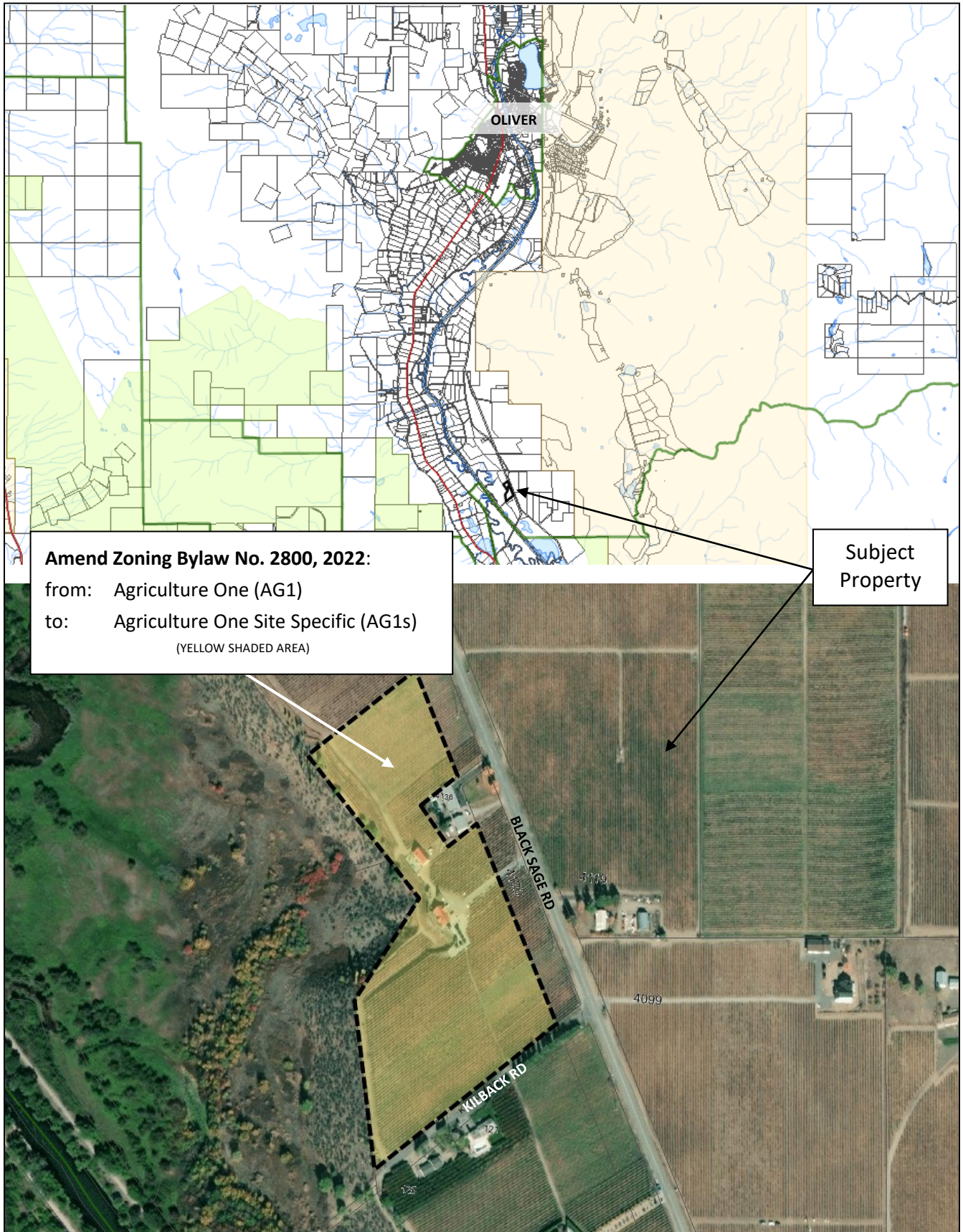
No. 2 – Applicant’s Site Plan

No. 4 – Floor Plan (Level 2 – Tasting/Bakery)

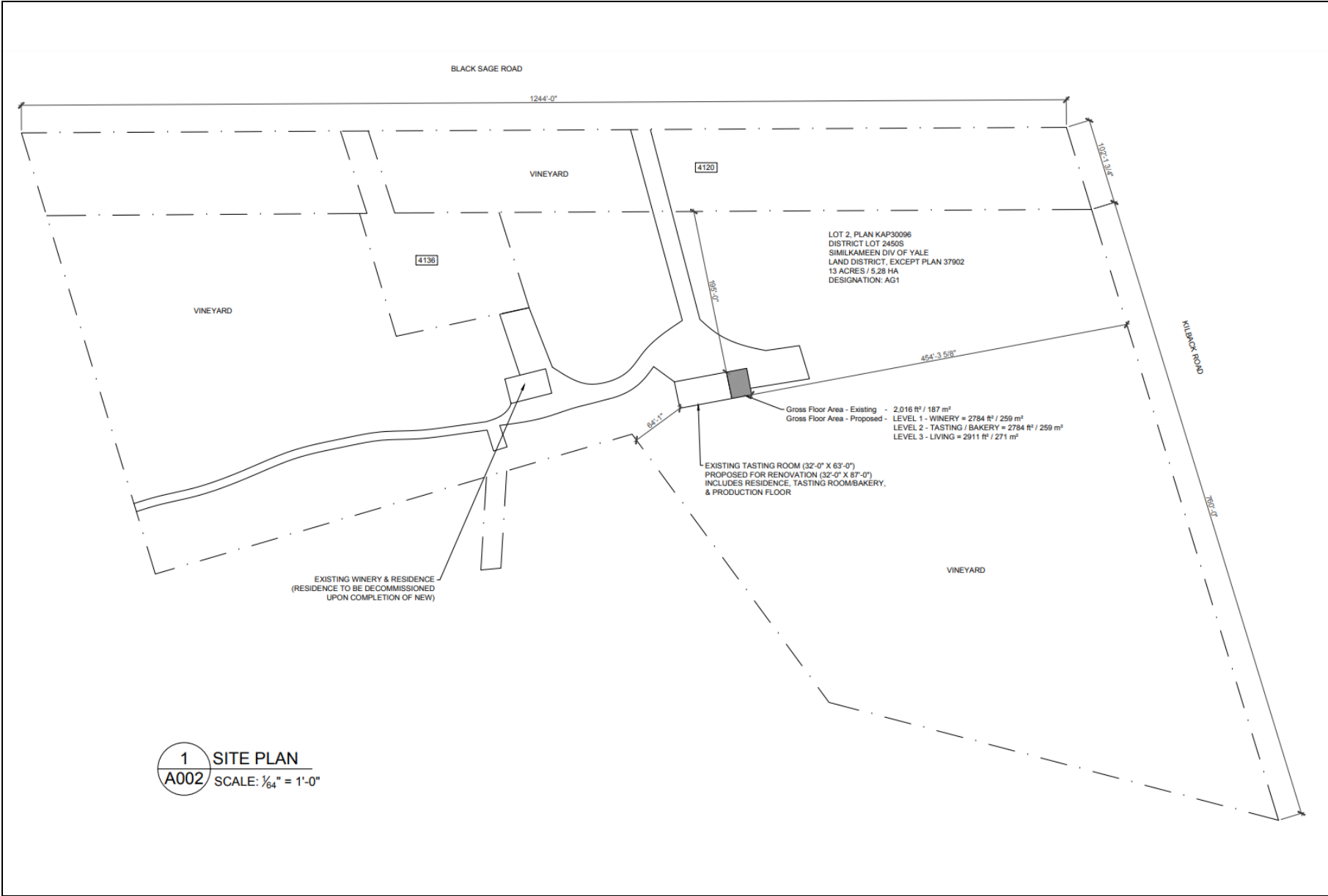
No. 6 – East Elevation

No. 8 – North Elevation

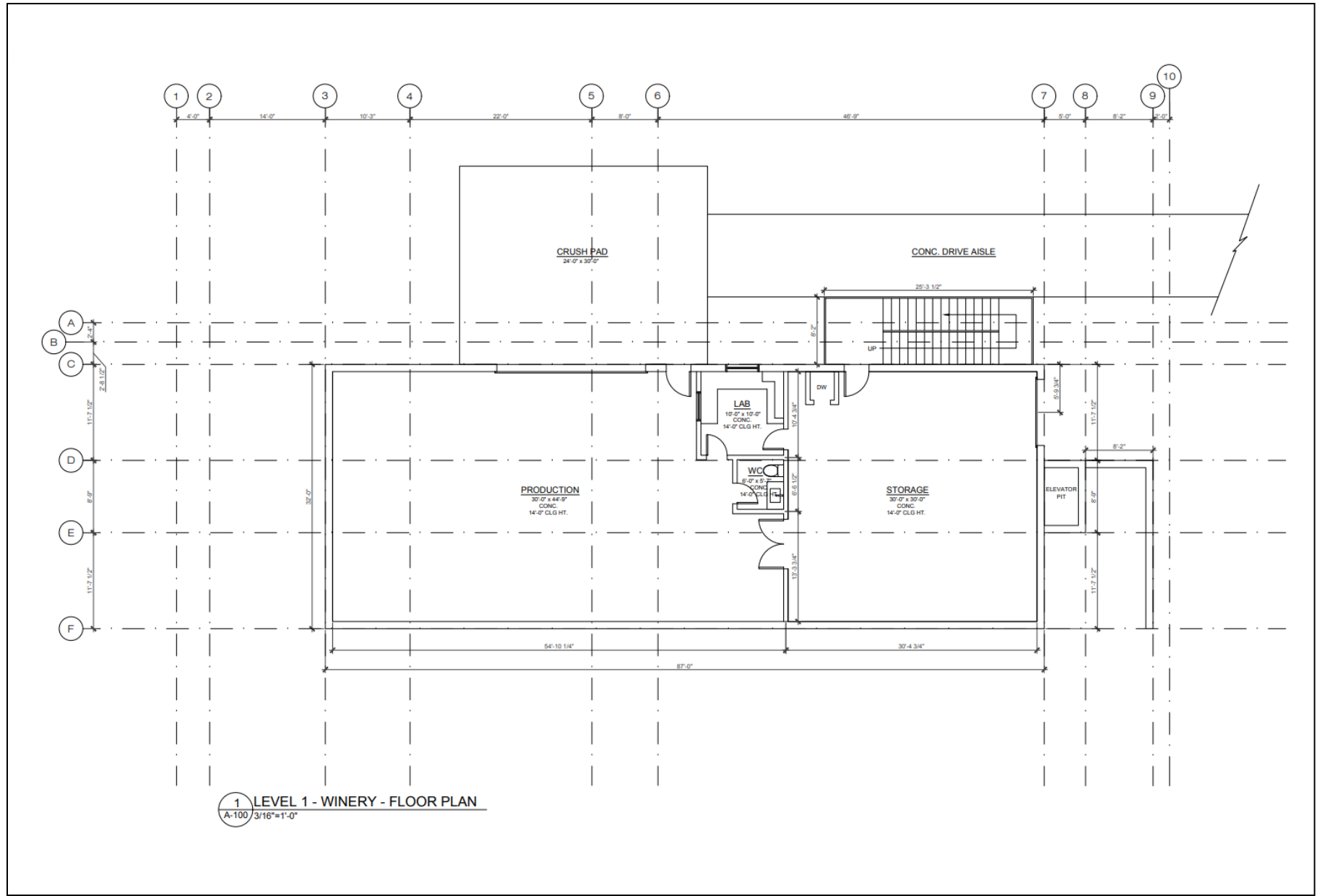
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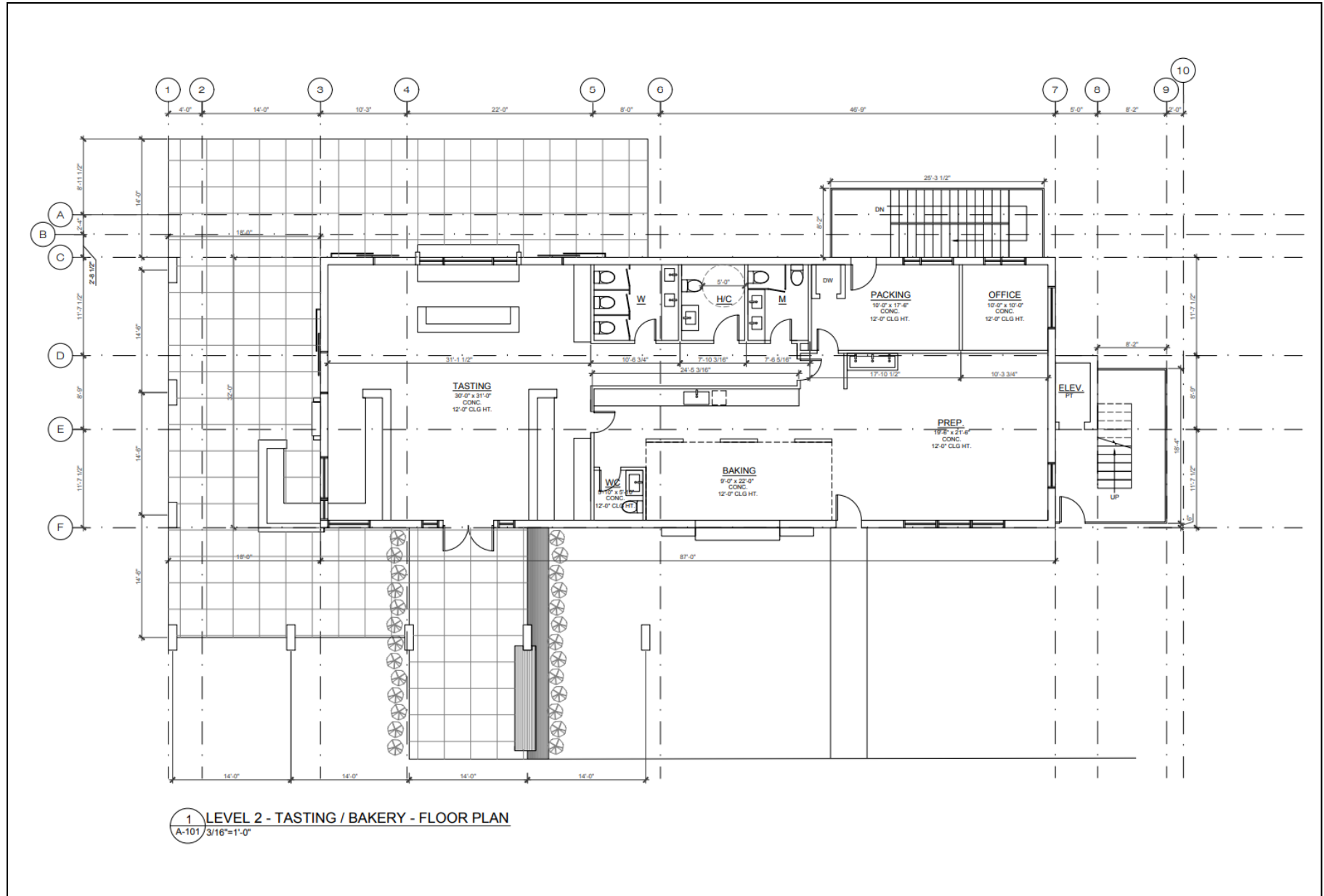
Attachment No. 2 – Applicant’s Site Plan



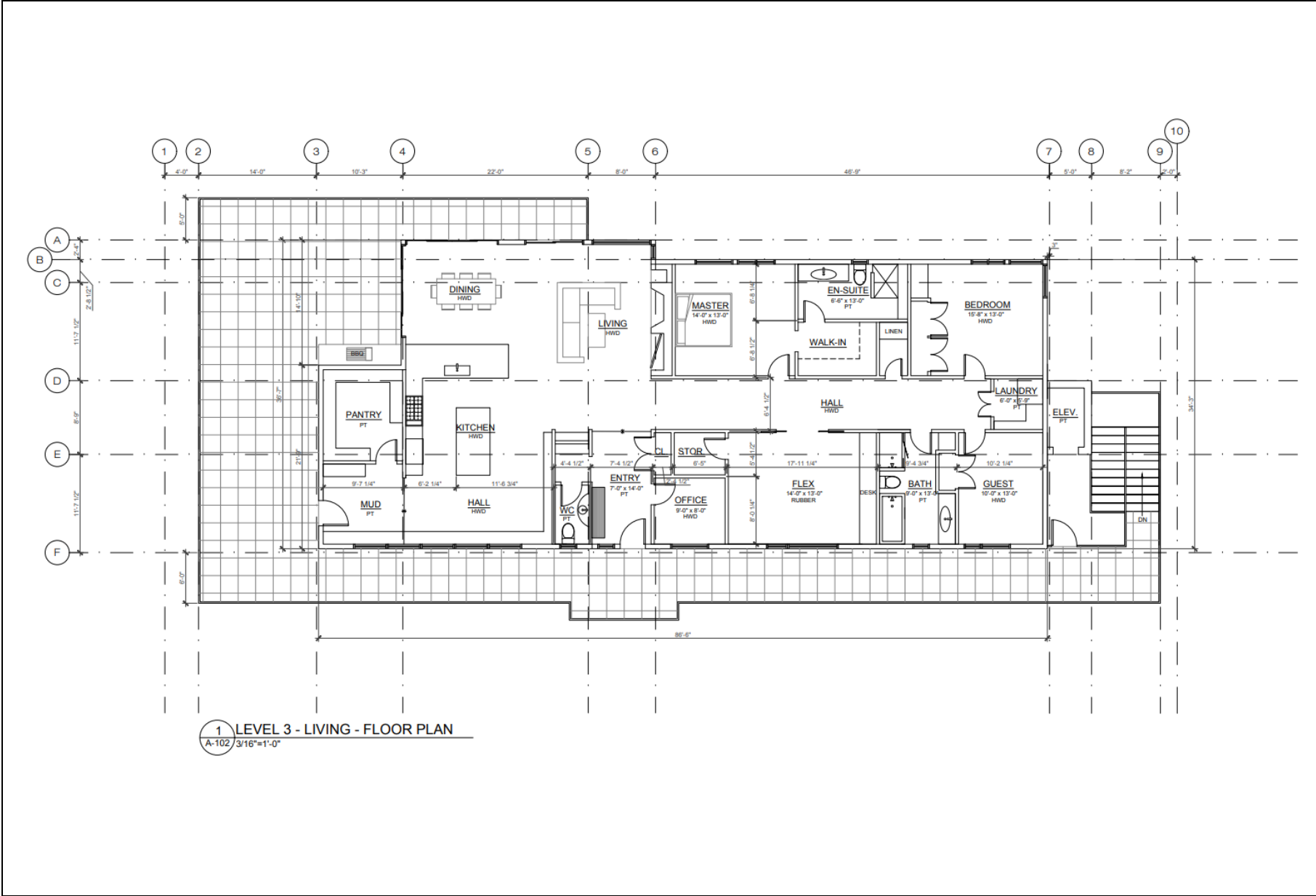
Attachment No. 3 – Floor Plan (Level 1 – Winery)



Attachment No. 4 – Floor Plan (Level 2 – Tasting/Bakery)

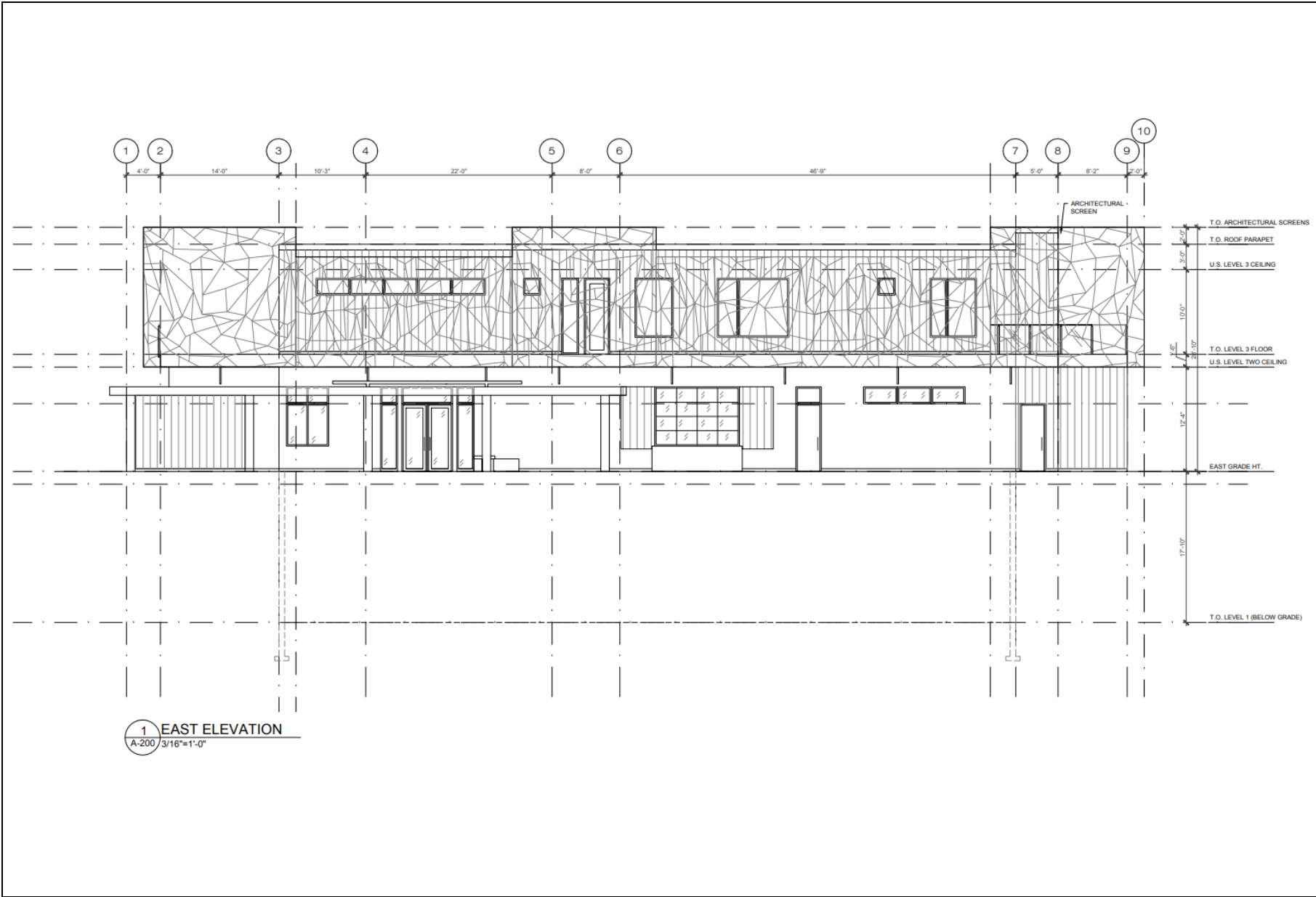


Attachment No. 5 – Floor Plan (Level 3 – Living)

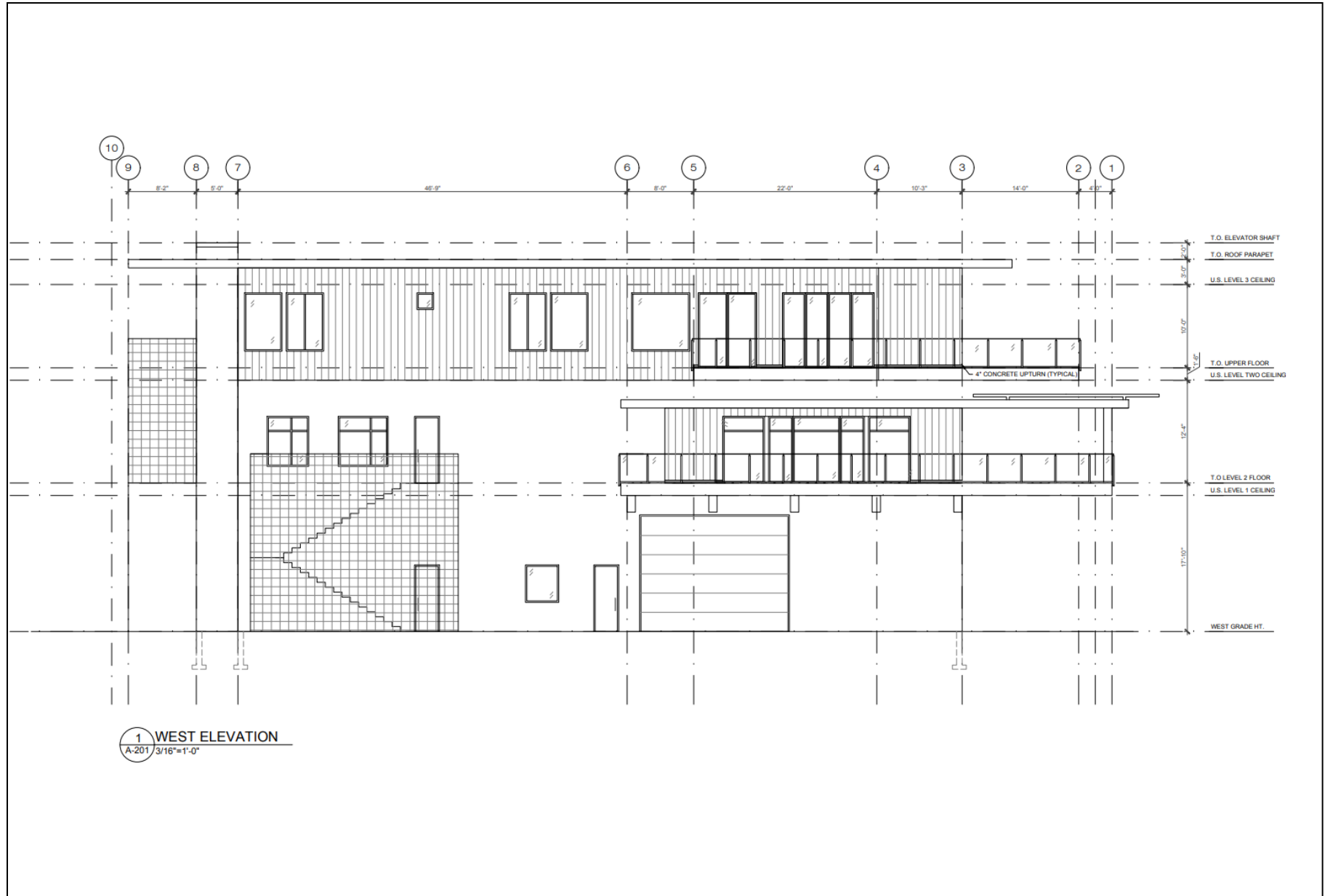




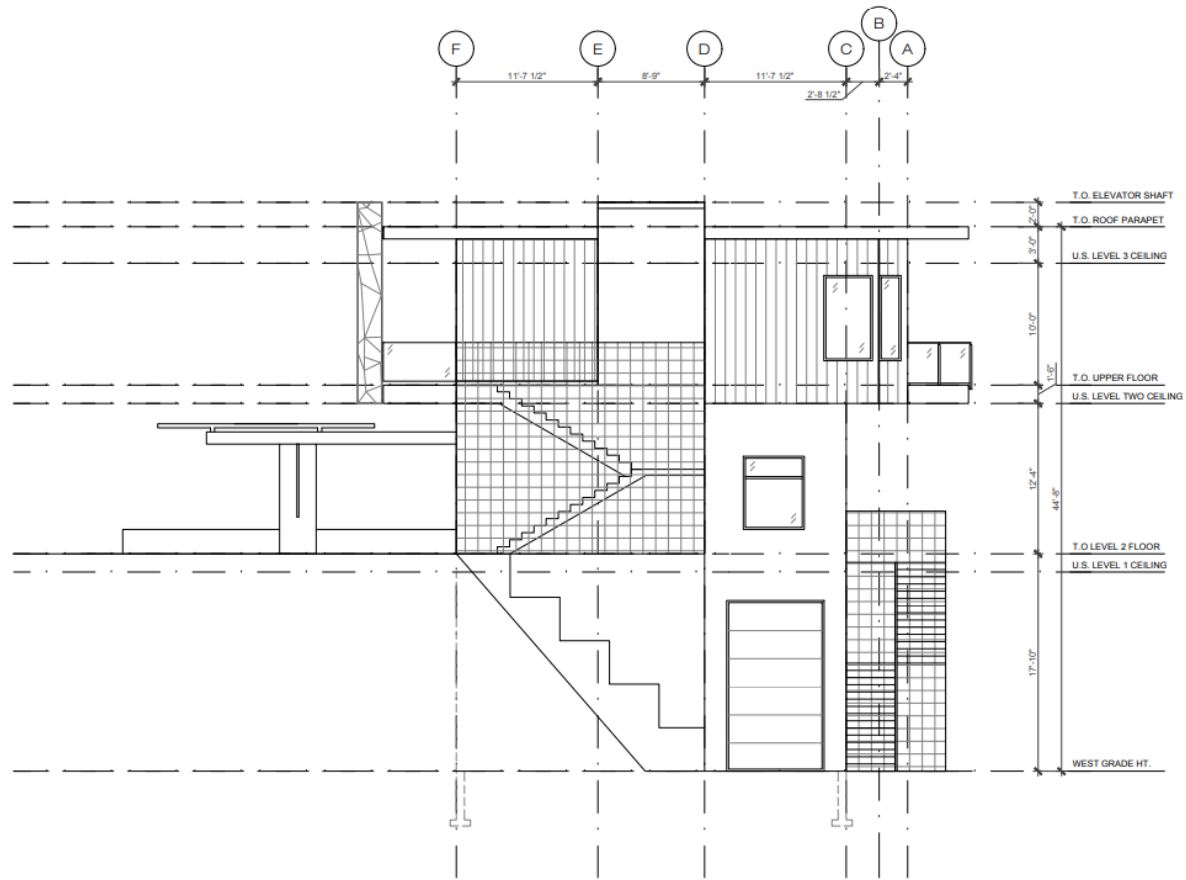
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Attachment No. 7 – West Elevation

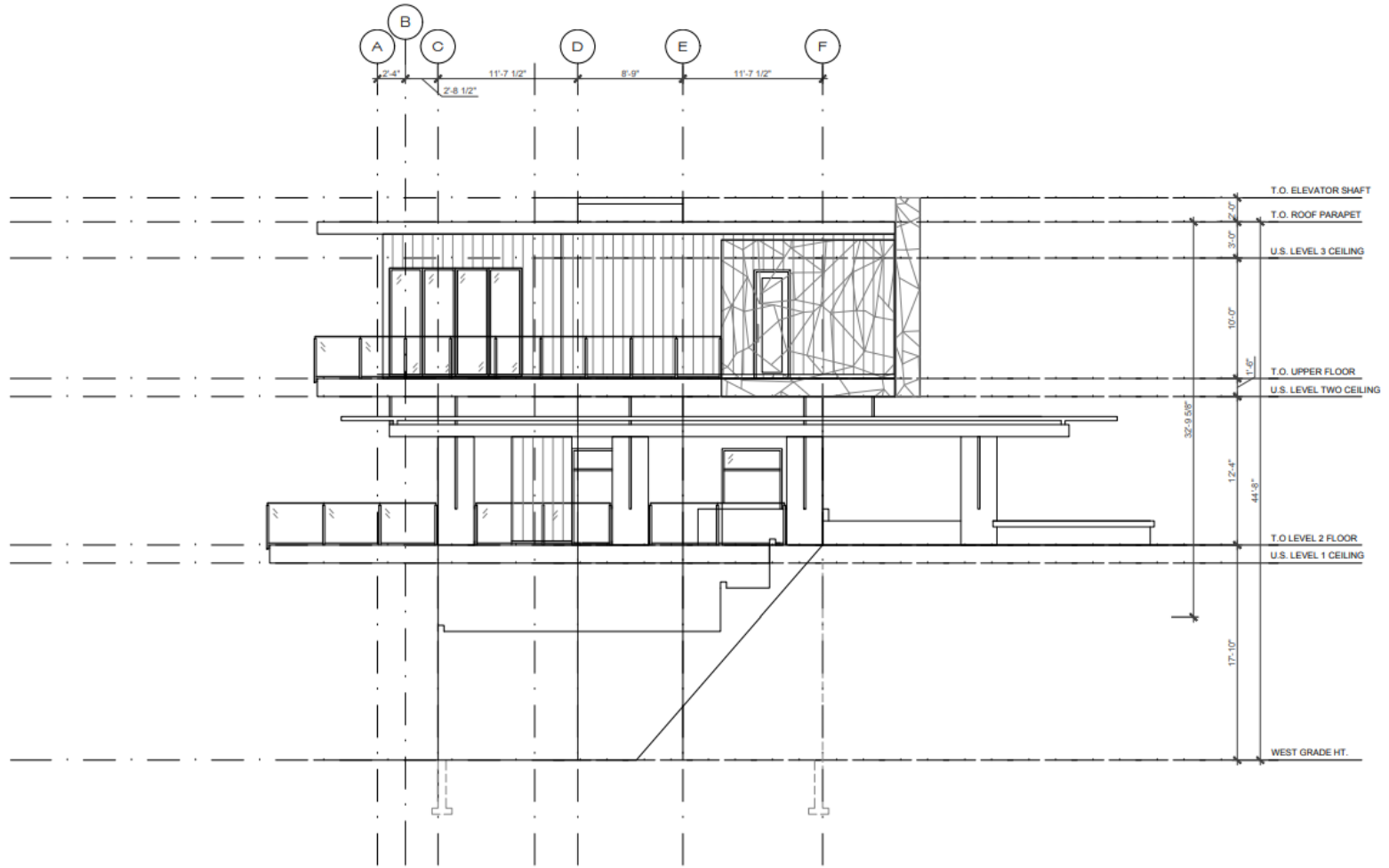


Attachment No. 8 – North Elevation



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

Attachment No. 9 – South Elevation



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