

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 16, 2020
RE: Zoning Bylaw Amendment – Electoral Area “F”

Administrative Recommendation:

**THAT Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw be read a third time;
AND THAT, prior to bylaw adoption, a statutory covenant be registered on title to ensure the home industry operations are fully contained and within a sound-dampened building.**

Purpose: To permit a home industry with a 300 m² floor area

Owners: Plateau Rousseau Estates, Inc. Agent: John Rousseau Folio: F-07241.090

Civic: 8025 Princeton-Summerland Rd Legal: Lot 10, Plan 27332, DL 2893, ODYD, Except Plan KAP27332

OCP: Small Holdings (SH) Proposed OCP: Small Holdings (SH)

Zone: Small Holdings Three (SH3) Proposed Zoning: Site Specific Small Holdings Two (SH2s)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to accommodate a 300 m² home industry use on a site-specific basis.

In order to accomplish this, the applicant is proposed to amend the zoning of a 3.3 ha portion of the property under the Electoral Area “F” Zoning Bylaw No. 2461, 2008 from Small Holdings Three (SH3) to Site Specific Small Holdings Two (SH2s), with the site specific regulation to increase the permitted floor area of a home industry from 200 m² to 300 m².

In support of the rezoning, the applicant has stated that:

My wife and I run a small woodworking studio where we design and fabricate everything from custom furniture to chopping blocks to modern timber frame assemblies....due to the nature of our business, we require additional interior storage for materials (both finished and raw) as fine hard and soft woods, once dried, must be stored inside...we are so lucky to have found this rare piece of land outside of the ALR that we can relocate to...and look forward to having our business on the same parcel as our home...our business while on the property will be entirely enclosed in a building framed with 2x10 walls, insulated with dense pack cellulose. Even though we are a small operation, this assembly offers maximum sound dampening capabilities to ensure our neighbours don't hear us.

Site Context:

The subject property is approximately 5.32 ha in area and is situated on the south side of Princeton-Summerland Road. It is understood that the parcel is comprised of vacant land.

The surrounding pattern of development is generally characterised by rural residential enclave of small holdings parcels surrounded by undeveloped resource area.

Background:

In accordance with Section 5.5 of the Development Procedures Bylaw, public information meeting and referral to an Advisory Planning Commission requirements were waived during the provincial state of emergency declaration in relation to COVID-19.

As such, an in-person public information meeting was not held and the rezoning application was not reviewed by the Electoral Area “F” APC. However, Electoral Area “F” APC members were invited to comment individually on the application and early notification was provided to adjacent property owners.

At its meeting of June 4, 2020, the Regional District Board resolved to approve first and second reading of the amendment bylaw and directed that a public hearing occur at the Board meeting of July 16, 2020.

The Board further resolved that a statutory covenant be registered on title prior to bylaw adoption to ensure home industry operations are fully contained and within a sound-dampened building.

At the request of the Area Director, on June 29, 2020, an electronic “Question & Answer” Session was held and was attended by one member of the public.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

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 3).

Analysis:

In considering this proposal, Administration notes that the applicant is proposing to create a 3.3 ha parcel in order to accommodate the proposed “home industry” use and that this is consistent with the OCP Bylaw, which requires a minimum 2.0 ha parcel area for a home industry, discourages further subdivision in the Faulder area (Section 7.3.1.2), and discourages such uses on environmentally sensitive lands (Section 10.3.5).

Although the requested SH2 Zone permits a wider range of uses than does the current SH Zone, these uses are consistent with permissions of other rural holdings parcels of similar size and are considered generally compatible with the surrounding rural area.

While there is concern that introducing a home industry into this neighbourhood could create expectations for other commercial uses, it is noted that a majority of the parcels do not have sufficient parcel area (i.e. they are less than 2.0 ha in area).

Administration also has concerns that introduction of a commercial use into an area that is primarily rural residential may create additional noise, dust, fire risk, traffic and impacts to streetscape (i.e. outdoor storage) that could impact neighbouring properties.

The applicant is proposing, however, that the woodworking shop, including all building materials and finished products, are proposed to be entirely within a 300 m² sound-dampened building to be

located an area designated as Low Risk in the Community Wildfire Protection Plan and with a Noise Bylaw in effect.

Conversely, Administration recognises that it is not generally considered good planning practice to allow “spot zoning”. “Spot zoning” is a non-comprehensive approach to zoning that introduces discrepancies between permitted uses within a specific area.

The proposed zoning would introduce a site-specific home industry into a rural residential area in perpetuity, thereby introducing potential competing interests between a home industry and residential uses.

Further, allowing commercial uses in rural areas does not support commercial growth in Primary Growth Areas, like the District of Summerland and enables relocation of a business from the District of Summerland.

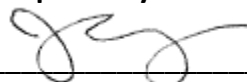
However, the proposed woodworking studio is limited in operations by other provisions for home industry use and has provided mitigation measures to ensure that all home industry activities are contained within a sound-dampened building.

In summary, Administration supports the proposed zoning amendment bylaw, provided a restrictive covenant is registered prior to bylaw adoption to ensure the home industry is fully contained and within a sound-dampened building.

Alternatives:

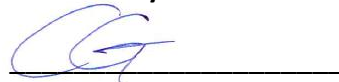
1. THAT third reading of Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw be deferred; or
2. THAT first and second readings of Bylaw No. 2461.14, 2020, Electoral Area “F” Zoning Amendment Bylaw be, be rescinded and the bylaws abandoned.

Respectfully submitted:



JoAnn Peachey, Planner I

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Applicant’s Site Plan

No. 2 – Site Photo (Google Streetview)

Attachment No. 2 – Site Photo (Google Streetview)

